

02-08-2022
ct no. 13
Sl. 3
sp

WPA 7744 of 2009
Sri Ambika Prasad Tewari
-Versus-

The State of West Bengal & Ors.

Mr. Subir Sanyal,
Mr. Bidyut Baran Biswas
.....for the petitioner

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das
....for the school authority

The petitioner prays for release of his
retiral benefits and for issuance of a Pension
Payment Order.

It appears from the records that
disciplinary proceedings have been initiated
against the petitioner for submitting fake
documents at the time of procuring the job in
question.

An interim order passed earlier by a Co-
ordinate bench of this Court on September 8,
2009, has been stayed by a Division Bench of
this Court on September 11, 2009 in MAT 747
of 2009 with certain directions.

When the appointment itself of the
petitioner is suspect, the question of any service
benefits to the petitioner, does not and cannot

arise. If the charges against the petitioner are found to be true he may forfeit his entire service.

In view of the above, any claim for payment of any service or terminal benefits of the petitioner, shall have to abide by any result of any disciplinary and criminal proceedings against the petitioner.

If the disciplinary proceedings are still pending against the petitioner, the respondents including the concerned school shall ensure the same is concluded mandatorily and positively, within a period of 4 months from the date of communication of a copy of this order.

The petitioner shall cooperate in such proceedings.

All records and documents in connection with the aforesaid proceedings, shall be made available to the disciplinary authority by the State, the petitioner and any other authority of persons holding the same.

The District Inspector of Schools (SE), Kolkata, shall take appropriate action based on the above order.

By the order dated September 11, 2009 (supra), Mr. Bidyut Baran Biswas, learned counsel appearing for the petitioner, was

appointed as special officer to hold terminal benefits of the petitioner to the extent of about Rs. 3 lakhs, in a Fixed Deposit Account. The said deposit is being renewed from time-to-time. The original deposit receipt, shall be handed over by Mr. Biswas to the concerned D.I. of Schools (SE), Kolkata, with an endorsement that the entire proceeds are payable together with accrued interest to the concerned D.I. of Schools.

The bank in question shall, upon the D.I. presenting the said receipt for encashment release the sum is to the D.I. of Schools (SE), Kolkata. The said sum to be credited to the account of the concerned D.I. of Schools.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)