

17.11.2022
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ns Ct.25

W.P.A. 18070 of 2017

**Muktaram Sahis.
Vs.
The State of West Bengal & Ors.**

Mr. Satya Ranjan Kundu ... for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Raja Saha ... for the State.

The grievance of the petitioner is that the pensionary benefits have not been released in his favour on the ground of mere pendency of criminal proceeding.

Mr. Basu Mallick, learned Advocate appearing for the State, placed an order dated September 29, 2014 passed by a Co-ordinate Bench of this Court in W.P. No.22304(W) of 2014 and submits that it has been directed by the Co-ordinate Bench in the said order that the respondent shall consider payment of other benefits to the petitioner depending on the outcome of the criminal proceeding.

The relevant portion of the order dated September 29, 2014 passed in W.P. No.22304(W) of 2014 (Mukraram Sahis @ Muktaram Sahish) is reproduced hereinbelow:-

“Having heard learned advocates for the parties and considering the nature of grievance raised by the petitioner, I find no reason to keep

the writ petition pending. The same stands disposed of with a direction upon the respondents to proceed in accordance with the provisions of the West Bengal Primary Education (Teachers and Employees Death – cum – Retirement Benefits), Rule 2008, more particularly Rules 18 and 19 thereof.

The amount of provisional pension to which the petitioner shall be entitled in terms of such rules shall be computed and released in his favour as early as possible, but not later than 12 weeks from date of receipt of a copy of this order. Such provisional pension shall continue till such time the criminal proceeding is concluded. Depending on the outcome of the criminal proceeding, the respondents shall consider payment of other benefits to the petitioner, if any.”

It is not disputed by the petitioner at this stage that he is getting a provisional pension as directed in the order dated September 29, 2014. However, the learned Advocate for the petitioner expresses his anxiety over the long pendency of the criminal proceeding, which is yet to reach the trial stage.

Since the issue as to the payment of pensionary benefit has already been decided by the Co-ordinate Bench in the order dated September 29, 2014, this Court is of the view that no relief can be granted in favour of the petitioner at this stage. The petitioner is left free to avail his remedies for early disposal of the pending criminal proceeding.

With the above directions, W.P.A. No.18070 of 2017 stands disposed of without, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)