

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 771 of 2022

**Kanchan Kumar Ghosh
-versus
The Union of India and others**

Mr. Subhasish Misra

...For the Petitioners.

Mr. Debanjan das

Mr. Sudip kr. Paul

Mr. Sourab Kar

...For the Union of India.

There are several admitted facts in the present case. The petitioner is a retired employee of the Food Corporation of India. The petitioner retired on 30th June, 2021. Pursuant to an FIR filed against the petitioner and 24 other persons in 1997, the petitioner was implicated in a case which resulted in a trial. The petitioner was finally acquitted on 20th December, 2021 by way of a judgment passed by the Judicial Magistrate, 1st Court, Cooch Behar.

The grievance of the petitioner is that despite several representations made to the F.C.I., the petitioner's pension and other retirement dues have been withheld by the Corporation.

Learned counsel appearing for the F.C.I. submits that there may be other pending cases against the petitioner.

Upon hearing learned counsel and considering the material on record, the objection taken by the F.C.I. is found to be completely without any factual basis.

The records indicate that by letters dated 22nd December, 2021 and 15th February, 2022, the F.C.I. asked for information under various heads from the petitioner in relation to the Court proceedings. The petitioner filed a detailed reply through his lawyer on 24th February, 2022 clearly stating that the petitioner has been acquitted by the Judicial Magistrate, 1st Court, Cooch Behar on 20th December, 2021. It was further stated that the petitioner was falsely implicated in a political case which resulted in the acquittal. The petitioner further enclosed an amended plaint of a Title Suit bearing no. 54 of 2012 which indicates that the petitioner is not a party in the said suit.

Contrary to the submission made on behalf of the respondent, there is no evidence in any of the letters of the F.C.I. that any other proceedings have been initiated against the petitioner. The position taken by F.C.I. is hence unfair and arbitrary. There is no reason why F.C.I. should hold on to the petitioner's pension and retirement, which are the petitioner's statutory rights,

even after the petitioner has been acquitted in December, 2021.

W.P.A. 771 of 2022 is accordingly disposed of with a direction on F.C.I. to disburse the admissible dues of the petitioner within a period of four weeks from today. If there is any further delay in such disbursement, the petitioner shall be at liberty of praying for appropriate relief against the Respondent no. 6.

(Moushumi Bhattacharya, J.)