

04.09.2023

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W.P.A. 1637 of 2020

Dipak Chandra Paul

Vs.

State of West Bengal & ors.

Mr. Kamalesh Bhattacharyya

Mr. Aninda Bhattacharyya

... for the petitioner

Ms. Susmita Pal

... for the respondent no.5

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the action of the respondent authorities in not disbursing his claim of the terminal benefits of pension, arrear of pension and gratuity.

The facts of the case are that the petitioner had been implicated in a criminal case that had not nexus with the activities of the school. The petitioner was suspended by the school and such suspension was set aside by Bhaskar Bhattacharya, J. (as His Lordship then was) by an order dated October 29, 2003. The petitioner was also allowed to rejoin the school and the petitioner continued serving the school till the date of his superannuation.

Mr. Kamalesh Bhattacharyya, learned Counsel appearing on behalf of the petitioner relies on two decisions of this Court; one in the case of **Anadi Prasad Mahato Vs. State of West Bengal**, reported in **2014(2) C.H.N. (CAL) 103** and another unreported decision in

the case of **Sk. Jamaluddin Vs. The State of West Bengal & ors.**, in **W.P.5168(W) of 2018** wherein the ratio is that if the criminal proceeding against an employee has no nexus with the service of the petitioner, the terminal benefits cannot be withheld by the respondent authorities. It is further to be noted that in that case no disciplinary proceeding was initiated by the school authorities at any point of time.

Keeping in mind the principle aforesaid laid down in the above two judgements and the fact that no disciplinary proceeding was initiated by the school authorities, I am of the view that terminal benefits including pension, arrear pension and the gratuity should be paid to the petitioner.

Counsel on behalf of the school authorities submits that the school authorities have already sent all the papers to the concerned District Inspector of Schools.

Accordingly, the concerned District Inspector of Schools is directed to send all the relevant papers of the petitioner to the Director of Pension, Provident Fund and Group Insurance within four weeks from date and the Director of Pension, Provident Fund and Group Insurance is directed to ensure issuance of P.P.O. within two weeks thereafter and initiate the payment of pension immediately.

It is further directed to the concerned District Inspector of Schools to release the arrear pension and gratuity amount to the petitioner within twelve weeks from date. The interest on the gratuity amount and arrear pension should be paid at the rate of 7% starting from one month after the date of retirement of the petitioner till the date of payment.

With the above observations, this writ petition is disposed of.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)