

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 1339 of 2022

Dr. Pulak Kumar Saha
Vs.
The State of West Bengal and Ors.

Mr. Arjun Chowdhury
Mr. Pratusha Dutta Chowdhury
Mr. Bikash Singha
...for the petitioner

Mr. Momenur Rahman
..for the SBI

Mr. Hirak Barman
..for the State

Item No. 10

Judgment on: 02.02.2023

BIBEK CHAUDHURI, J. : –

The petitioner was a Medical Officer attached to West Bengal Health Service. He joined as a Medical Officer in West Bengal Health Service in the year 1985. Sometimes in 2012 he was transferred from Siliguri District Hospital to Alipurduar District Hospital. He joined his new place of posting at Alipurduar District Hospital on 3rd December, 2012. On 4th

December, 2012 he submitted an application for leave before the Chief Medical Officer of Health and did not attend hospital on the impression that his leave would be granted. However, leave was not allowed and his absence from the hospital was treated as unauthorized absence. This led the Controlling Authority to initiate a disciplinary proceeding against him. In the disciplinary proceeding charge was allegedly established and he was dismissed from service. Against such order of dismissal the petitioner moved the State Administrative Tribunal for appropriate relief.

In the instant writ petition, the petitioner is aggrieved for non-payment of provident fund amount accumulated in the account of the petitioner.

It is submitted on behalf of the petitioner that the provident fund amount was not sanctioned or disbursed on the ground that the service book of the petitioner was not available.

The learned advocate for the respondent/Superintendent of the Hospital, on the other hand, submits that the respondent authority has no objection in releasing the provident fund contribution to the petitioner. The petitioner was asked to

submit Form 10A and the last GPF account slip for processing payment of provident fund amount of the petitioner. However, the petitioner failed to pay the said two documents.

Learned advocate for the petitioner submits that the petitioner will file the aforesaid two documents before the Superintendent of Alipurduar District Hospital at the earliest.

It is also submitted by the learned advocate for the petitioner that the bank account of the petitioner has been freezed. The learned advocate for the State of Bank of India, Siliguri Branch submits on instruction that the said account was not freezed by the State Bank of India, Siliguri Branch. However,, there is an outstanding charge of Rs. 69,611/- from SBI Alipurduar Bazar Branch dated 31st January, 2013.

So far as provident fund contribution is concerned the petitioner is directed to submit Form 10A and the last GPF account slip to the Superintendent of Alipurduar District Hospital within two weeks from the date of this order and the Superintendent, Alipurduar District Hospital shall process payment of provident fund contribution of the petitioner immediately thereafter so that the petitioner may get the

amount lying in his provident fund within four weeks from the date.

Since the bank account lying in Siliguri Branch is not freezed, the petitioner is at liberty to regularize the said account in consultation with the bank authority.

The instant writ petition is, accordingly, disposed of on contest, however, without any costs.

The report submitted by the respondents be kept with the record.

(Bibek Chaudhuri, J.)