

17.05.2024.
Court No.13
Item No. 41
pk

**W.P.A. No. 4548 of 2024
CAN 1 of 2024**

**Satyajit Kumar Mondal
Versus
State of West Bengal & Ors.**

Mr. Mir Anowar,
Ms. Alisha Gomes

...For the petitioner.

Mr. Vimal Kumar Shahi,
Mrs. Susmita Biswas Chowdhury
... For the State.

In Re: CAN 1 of 2024 (Restoration)

1. Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 22.04.2024.
2. The said order is recalled and the writ petition is restored to its original file and number.
3. Accordingly, CAN 1 of 2024 is disposed of.
4. There will be, however, no order as to costs.

In Re: W.P.A No. 4548 of 2024

1. The writ petitioner seeks release of his pension since after superannuation from service. The petitioner was suspended from service in 2015 in connection with Gopalnagar Police Station Case No. 396 of 2015, inter alia, under the provisions of the POCSO Act. The petitioner remained in suspension. After superannuation, the order of suspension comes to an end automatically.

2. The petitioner is, therefore, entitled to the provisional pension pending in the result of the criminal proceedings against him. The criminal proceeding in question arose out of discharge of the duties of the petitioner within the scope of the employment.
3. In those circumstances, subject to the result of the criminal proceeding, the State shall be entitled to institute departmental proceeding against the petitioner.
4. The petitioner shall approach the school with all documents for release of provisional pension subject to fulfillment of formalities.
5. The writ petition is disposed of.
6. There will be no order as to costs.

(Rajasekhar Mantha, J.)