

Item-
8. 24-05-2024

sg Ct. 8

CPAN 374 of 2024
In
FMA 706 of 2022

Raja Mohan Sil
Versus
Shilpa Nandi, Chairperson,
Hooghly District Primary School Council

Mr. Ranjan Kali, Adv.
Ms. Mitul Chakrabarty, Adv.
Ms. Payel Nath, Adv.
...for the petitioner
Mr. Biswabrata Basu Mallick, Adv.
Mr. Biman Halder, Adv.
Mr. Amman Arif Answare, Adv.
...for the alleged contemnor
Mr. Avishek Prasad, Adv.
...for the State

1. Affidavit of compliance filed on behalf of the alleged contemnor is taken on record.
2. In the affidavit although the authorities have issued provisional pension but did not release the gratuity in view of Chapter V, Rule 19(5) of the Death-cum-Retirement Benefit, 1981.
3. We do not find any willful or deliberate violation of the order for not releasing the gratuity based on such provision.
4. We are not required to decide in this proceeding whether the petitioner would be entitled to full pension and gratuity notwithstanding the said provision or whether such provision shall be restricted only with regard to any misconduct arisen in course of employment.
5. The petitioner shall be at liberty to take appropriate steps in

accordance with law.

6. In view of the above, the contempt application is,
accordingly disposed of.

(Soumen Sen, J.)

(Uday Kumar, J.)