

08.01.2024
(M/L-38)
Ct.-18
(Susanta)

W.P.A. 9393 of 2023

Subhendu Kumar Mahata

-Vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury,
Mr. Deb Kumar Deashi,
.... For the Petitioner.
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
.... For the State.
Mr. Kunal Ganguly,
.... For the Respondent no. 3.
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra,
Ms. Bratati Pramanik,
.... For the respondent no.4.

The petitioner is the retired Headmaster of Chingishpur High School, District- Dakshin Dinajpur, he has prayed for disbursement of his retiral benefits.

Mr. Mitra, learned Counsel for the petitioner submits that pendency of a criminal proceeding against the petitioner disentitles him from getting all of his retiral benefits released.

This Court by this order dated October 10, 2023 had directed the District Inspector of Schools (S.E), Dakshin Dinajpur, the respondent no. 6 herein to submit a report on the issue and in compliance with the said direction, Mr. Chattopadhyay, learned Counsel for the State

files such report dated December 19, 2023, let it be kept with the record.

The report suggests that notwithstanding pendency of the criminal case, the petitioner is entitled to provisional pension not exceeding the amount of maximum pension which is admissible on the basis of his qualifying service up to the date of retirement.

The eligibility of the petitioner to receive provisional pension since has been acknowledged, the respondent no. 6 is directed to prepare such pension papers for disbursement of the provisional pension and arrear of it in favour of the petitioner as expeditiously as possible, preferably within period of three weeks from the date of communication of this order.

W.P.A. 9393 of 2023 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)