

08.01.2024
Item No.23
Court No.18
(P.Jana)

W.P.A. 10053 of 2022

Kailash Roy

-Vs-

The State of West Bengal & Ors.

Mr. Biswajit Konar,
Mr. Arijit Mahinder,
Ms. Miku Jha.
....for the petitioner.

Mr. Supriya Chattopadhyay, A.G.P.,
Mr. Arindam Ghosh.
....for the State/School Authority.

The petitioner is the retired Headmaster of Barakar Adarsh Vidyalaya, District- Paschim Burdwan. A disciplinary proceeding though was initiated against him but he was exonerated of all the charges leveled against him.

However, a pending criminal proceeding against the petitioner disentitles him from getting all of his retiral benefits released.

Mr. Konar, learned advocate for the petitioner submits that his client has received the Provident Fund amount. He further submits that the petitioner though has prayed for disbursement of all of his retiral benefits but in view of the pendency of the said criminal proceeding at present, he is restricting his relief for release of the provisional pension only.

Mr. Chattopadhyay, learned Additional Government Pleader, in compliance with the order dated October 05, 2023 files the report of the District Inspector of Schools (S.E.), District : Paschim Burdwan, the respondent no.4 herein, let it be kept with the record.

The report suggests that notwithstanding pendency of the criminal case, the petitioner is entitled to the provisional pension.

Mr. Chattopadhyay further submits that the respondent no. 4 on December 26, 2023 had directed the petitioner to file formal application alongwith necessary documents through the school authority for release of such provisional pension.

Mr. Konar submits that within a week from date, his client shall take appropriate steps to comply with the aforesaid direction.

The school authority, on receipt of the application of the petitioner for provisional pension, shall take immediate steps to forward it to the respondent no. 4 and on receipt of the same, the said respondent, shall take forward steps for release of the provisional pension in favour of the petitioner.

WPA 10053 of 2022 is **disposed of** with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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.)