

W.P.A. 16116 of 2024

**Gopal Chandra Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Anirban Dutta
Mr. Probal Sarkar
Ms. Sk. Kiran
...for the petitioner

Mr. Srijib Chakraborty
Mr. Somnath Adhikary
Ms. Oindrila Ghosal
...for the school authority

Mr. Naren Ghosh Dostidar
...for the State

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, school authority and the State-respondents.

The learned advocate representing the petitioner has prayed for release of provisional pension since he has retired on superannuation on 28th February, 2023. In support of such contention reliance has been placed on Clause 19(5) of the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme 1981.

The learned advocate representing the school authority has opposed the prayer on the ground that there are serious allegations against the petitioner relating to defalcation of fund. It has also been submitted that at the

time of retirement petitioner has taken away all the service records of the teaching and non-teaching staff of the school as a result whereof the present school authority is finding it difficult to maintain the service records of other teaching and non-teaching staff.

It has also been submitted that the issue was brought to the notice of the concerned District Inspector of Schools for initiation of appropriate proceedings against the petitioner in accordance with law on the matter being forwarded to the concerned authority of the West Bengal Board of Secondary Education.

The State-respondents are also represented by Mr. Naren Ghosh Dostidar, learned advocate who submits that if Court directs for release of provisional pension the same would be released immediately since in terms of the relevant provisions of the DCRB Scheme of 1981 there is no bar to release the provisional pension.

Having considered the submissions made on behalf of the parties it appears that the prayer which is required to be considered in this writ petition is payment of provisional pension in favour of the petitioner. Even if this Court proceeds on the premise that there are serious allegations against the petitioner relating to financial defalcation and administrative irregularities and malpractices this Court does not find any bar under the DCRB Scheme of 1981 to give necessary directions upon the respondents to release provisional pension since

petitioner has retired on superannuation on 28th February, 2023. There is nothing on record which goes to show that on the date of retirement of the petitioner disciplinary proceeding/criminal proceeding was pending against him.

In addition thereto, notice of this Court has been drawn to order dated 5th October, 2023 passed by a coordinate Bench on a writ petition being WPA 2644 of 2023. By the said order the coordinate Bench permitted the petitioner to make an application for provisional pension.

Accordingly, the concerned District Inspector of Schools (SE), Murshidabad being the respondent no. 5 is directed to release provisional pension in favour of the petitioner within a period of 4 (four) weeks from the date of communication of this order.

The Managing Committee of Char Munshipara High School (H.S.) being respondent no. 8 is also directed to cooperate with the respondent no. 5 for release of provisional pension in terms of the order passed by this Court today.

With the aforesaid directions the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)