

12.06.2024
Court No. 18
Item No. 90 (ML)
(**Suwendu**)

WPA 15780 of 2022

Arup Kumar Mondal
-Versus-

State of West Bengal & Ors.

Mr. K.M. Hossain
Mr. Kazi Ardan Ali

..... for the petitioner

Mr. Panna Lal Bandyopadhyay

.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

The petitioner has prayed for release of
final pension upon issuance of Pension Payment
Order adjusting provisional pension which was
paid to the petitioner in terms of the order dated
14th October, 2020 passed by a Coordinate
Bench on a writ petition being WPA 6341 of
2020.

Mr. Hossain, learned advocate
representing the petitioner submits that the
petitioner being the Headmaster of a
Government aided High School retired on
attaining the age of superannuation on 31st
July, 2019 but due to pendency of a criminal

proceeding contemporaneously retiral dues including final pension were not released in his favour which prompted the petitioner to file the first writ petition being WPA 6341 of 2020 and the same was disposed of vide order dated 14th October, 2020 by a Coordinate Bench. It has further been submitted that the criminal proceeding is still continuing.

However, prayer has been made for giving direction upon the concerned State respondents to take steps for release of final pension on issuance of Pension Payment Order.

State respondents are represented by the learned advocate.

Having considered the submissions made on behalf of the petitioner and on perusal of the order dated 14th October, 2020 passed by a Coordinate Bench on the first writ petition, it appears that a specific stand was taken on behalf of the State respondents that in terms of the relevant provisions of the Death-cum-Retirement Benefit Rules due to pendency of a criminal proceeding against the petitioner only provisional pension and other admissible dues were payable.

Considering such stand taken on behalf of the State respondents, the Coordinate Bench vide order dated 14th October, 2020 directed the

concerned respondent authorities to disburse provisional pension and other admissible dues to the petitioner within a specified time. The petitioner had accepted the order and directions passed by the Coordinate Bench on the first writ petition being WPA 6341 of 2020 and accordingly provisional pension and other admissible dues were paid to the petitioner pursuant to the said order dated 14th October, 2020.

During course of hearing, it is also submitted on behalf of the petitioner that the criminal proceeding which was initiated against him is still pending.

In view of the aforesaid factual scenario, it appears that there was no alteration of situation as it was subsisting on the date of passing order by the Coordinate Bench on 14th October, 2020 while disposing of the first writ petition being WPA 6341 of 2020.

In view of pendency of the criminal proceeding against the petitioner and acceptance of the order dated 14th October, 2020 passed by the Coordinate Bench, no different order can be passed today on the present writ petition directing the concerned respondent authorities to release final pension on issuance of Pension Payment Order which in effect would be contrary

to the directions as contained in the previous order dated 14th October, 2020.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law for payment of final pension and other benefits if situation relating to criminal proceeding is changed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)