

03 06.09.2024
NB Ct. 17

WPA 19332 of 2024

Sambhunath Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Ayanabha Raha,
Mr. Pritam Choudhury.
...for the petitioner.
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...for the State.
Mr. Kunal Ganguly
...for the respondent no.2.

Reports filed on behalf of the respondent nos.5 and 6
are taken on record.

No one appears on behalf of the School authorities,
despite service.

Learned counsel appearing on behalf of the petitioner
submits as follows. It was alleged that the School Authorities
took certain sums from the students for defraying their regular
expenses. A statutory audit was conducted and was accepted
by the Managing Committee. Yet, in the meantime, a complaint
had been lodged. In the criminal proceeding, the petitioner was
discharged and a proceeding was proposed to be initiated
against the complainant for making a false complaint. In spite of
this, the full pensionary benefits have not been given to the
petitioner.

Learned counsel appearing on behalf of the respondent
nos.5 and 6 relies on the report and as follows. A case was
indeed started against the petitioner on the allegation of

embezzlement of funds meant for Mid-day Meal Scheme. However, a final report was filed. Although, a Naraji Petition was filed, the same was rejected and the petitioner was discharged from the case. It is for the School authorities now to raise a bill regarding the rest of the pensionary benefits of the petitioner before the concerned DPI. The Pension Booklet is to be made ready by the School Authorities and after being executed by the petitioner should be forwarded to the District Inspector of Schools. If the same is done, the District Inspector of Schools will be in a position to take appropriate measures for sanctioning pensionary benefits in favour of the petitioner subject to all other papers being in order.

It appears that due to pendency of the criminal case against the petitioner for a particular period, full pensionary benefits have not been given to him.

The petitioner is entitled to full pensionary benefits because the criminal case resulted in a final report, which has been accepted. The petitioner has purportedly been discharged from the case.

In view of the above, within three weeks from the date of communication of this order, let the School Authorities make ready the Pension Book of the petitioner, get it signed by him and forward the same to the District Inspector of Schools along with all other relevant papers. Within three weeks from the receipt of such papers, the District Inspector of Schools shall take steps to sanction the rest of the pensionary benefits in faovur of the petitioner.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)