

10.07.2024.
Court No.13
Item No. 8
ap

W.P.A. No. 24514 of 2022

**Anjan Kumar Chandra
Versus
The State of West Bengal & Ors.**

Mr. B. N. Roy,
Mr. Anupam Das,
Mr. Soupal Chatterjee.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey.

..For the respondent no.4.

Mr. Bhaskar Prasad Vaisya,
Mr. Manas Kumar Sadhu.

...For the State.

1. Supplementary affidavit and affidavit-of-service filed in Court today are taken on record.
2. Supplementary affidavit has been filed by the petitioner whereby a charge-sheet in G.R, Case No. 143 of 2021 has been produced.
3. The petitioner is the principal accused in a charge under Sections 419/420/406/468/470/471/472/120B of the Indian Penal Code. The substance of the allegations in the charge-sheet is that the petitioner took money from several persons including the complainant, for about a sum of Rs.30,00,000/- (Rupees thirty lakhs only) with the promise of giving them a job. It further appears from the supplementary affidavit that the petitioner is receiving provisional pension for Rs.21,090/- per month from October, 2022. He has also been paid

arrears of Rs.3,78,000/-. If the charge in question is proved and the petitioner is sentenced in the trial, he is liable to be dismissed from the service.

4. Since the petitioner has retired from service, the consequence of conviction and sentencing would be forfeiture of the entire period of service. In such event, the petitioner would not be entitled to anything other than his own contribution to Provident Fund.

5. In the backdrop of the above, this Court is of the clear view that the claim for full pension and other terminal benefits must await completion of trial and result of the criminal proceedings against the petitioner. The petitioner may pray before the appropriate Court for expediting the trial.

6. This Court is conscious of the decision of the Hon'ble Supreme Court of India as well as several decisions of this very Bench, where in respect of criminal proceedings, not arising out of the service of an employee, the full pension has been allowed by this Court.

7. This Court is not inclined to apply the ratio of the aforesaid decision to the peculiar facts of the instance case.

8. However, the petitioner's own contribution of Provident Fund may be released to him by the Director of Pension, Provident Fund and Group Insurance, West Bengal within a period of one month from the

date of receipt of a copy of this order along with a copy of the instant writ petition and supplementary affidavit.

9. With the aforesaid observations, the instant writ petition shall stand disposed of without any order.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)