

18.06.2024
Sl. No.22
Suman
Ct.No.15

WPA 25006 of 2018
With
I.A. No.CAN1 of 2019 (Old No.CAN 11171 of 2019)
With
CAN 2 of 2024

Baidyanath Poddar
Vs.
The State of West Bengal and Ors.

Ms. Nandini Mitra
Mr. Sanjay Saha
..for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
..for Uttarpara Kotrung Municipality

The petitioner retired as a Tax Collector from Uttarpara Kotrung Municipality on January 31, 2017.

An FIR was filed by the then Chairman of the Municipality against another contractual tax collector of the Municipality, which was registered as Uttarpara Police Station Case No. 438 of 2014 dated December 19, 2014, under Sections 420/406/120B of the Indian Penal Code.

The petitioner was not FIR named, but the Investigating Agency on conclusion of the investigation filed a charge sheet against the petitioner.

The petitioner was kept under suspension only during the period when he was in custody in connection with the aforesaid criminal case.

Thereafter, the petitioner was allowed to resume his duties and he subsequently retired from his service.

However, while the criminal case was pending, the petitioner filed the present writ petition alleging, inter alia, that though he has been provided with provisional pension, no other retiral dues have been released in his favour.

Ms. Nandini Mitra, learned advocate appearing for the petitioner submits that during the pendency of the writ petition, the petitioner has been discharged from the criminal case by the learned Additional District Judge, First Court at Serampore by an order dated April 5, 2024, passed in Special Case No.01 of 2018.

She submits that since the petitioner has been discharged from the criminal case, there cannot be any justification to withhold the retiral dues of the petitioner.

Learned advocate appearing for Uttarpara Kotrung Municipality, on the other hand, submits that the petitioner never informed the authority about his discharge from the criminal case. He submits that the

Municipality has agreed to pay retiral dues of the petitioner.

Having regard to the stance taken by the Municipality in this case, I do not find any justification to keep this writ petition pending. When the petitioner has been discharged from the criminal case and no other reason subsists to withhold the retiral dues, I deem it proper to dispose of this writ petition with a direction upon the Municipality to release the retiral dues of the petitioner within a period of two months from the date of communication of this order. The gratuity amount of the petitioner shall carry five per cent interest per annum from the date of retirement till the date of actual payment.

With the aforesaid directions, WPA 25006 of 2018 along with I.A. No.CAN 1 of 2019 (Old No.CAN 11171 of 2019) and CAN 2 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)