

25.06.2024.
Court No.13
Item No. 46
ap

W.P.A. No. 25975 of 2023

**Asoke Das
Versus
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharyya,
Ms. Jain Dutta Chakraborty,
Mr. Bidhan Modak.

...For the petitioner.

Mr. Pinaki Dhole,
Mrs. Mita Bag.

...For the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.

...For the DPSC, Howrah.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner served as an Assistant Teacher under the District Primary School Council, Howrah and superannuated from service on 30th November, 2023.
3. During his service period, in view of being in custody in connection with Shyampur Police Station Case No. 86 of 2013 dated 25.02.2013 under Section 420/406 of the Indian Penal Code, the petitioner was suspended for a period of about five months. The petitioner was reinstated thereafter and continued in service until his superannuation.
4. After superannuation, the petitioner could not fill up Part-B of his application for pension in view of the pending criminal proceedings.

5. Admittedly, there is a charge-sheet being C.S. No. 249 of 2023 dated 30th June, 2013 against the petitioner and the same is pending trial.

6. This Court is of the view that since the criminal proceedings against the petitioner are not in any way connected with his service, there should be no impediment in processing the petitioner's pension papers.

7. Since the online portal will not accept Part-B of the petitioner's pension application, this Court directs the petitioner's application for pension to be considered offline. The petitioner shall submit Part-A and Part-B and all particulars of his application for pension to the District Inspector of Schools (PE), Howrah, pursuant to his representation dated 10th October, 2023.

8. The said District Inspector of Schools (PE), Howrah shall calculate the last drawn pay of the petitioner after due verification of the records and forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal.

9. The period between 25th February, 2013 to 3rd September, 2013 being the period of which the petitioner was in suspension shall stand excluded for the time being, by the District Inspector of Schools (PE), Howrah for the purpose of length of service and other matters. The petitioner shall be entitled to re-agitate his claim for the said period, based on the result of the criminal proceedings against him.

10. Let the aforesaid exercise be carried out by the District Inspector of Schools (PE), Howrah within a period of one month from the date of communication of a copy of this order along with a copy of the writ petition.

11. The Director of Pension, Provident Fund and Group Insurance, West Bengal shall issue Pension Payment Order to the petitioner and pay all arrears of pension within a period of two weeks thereafter.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.

13. There will be no order as to costs.

14. 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.)