

27-02-2024
ct no. 13
Sl. 111
sp

WPA 27003 of 2023

Dilip Roy

-Versus-

The State of West Bengal & Ors.

Mr. Lakshman Chandra Halder,

Mr. Gobindadas Mitra

...for the petitioner

1. Despite service of notice of upgradation and subsequent notice, the respondents are not represented.
2. Affidavit of service filed in Court today is taken on record.
3. The petitioner was working as fisherman-cum-guard in the State Fisheries Development Corporation Limited and superannuated from service on April 30, 2023. By an order dated May 25, 2022, the petitioner was suspended for anomaly in his documentation. A disciplinary proceeding was contemplated against the petitioner and a charge sheet was issued on March 28, 2023.
4. On September 22, 2023, the Managing Director, the respondent no. 3 revoked the order of suspension and directed that the petitioner would be entitled to get salary

and financial benefits during the period of suspension.

5. The petitioner superannuated from service upon attaining the age of 60 years. Despite whereof, no letter of retirement has been issued to him. No retirement benefits have been paid.
6. This Court notes that while the order of suspension has been revoked, the fate of the departmental proceeding initiated against the petitioner is unknown.
7. In that view of the matter, subject to any orders that may be passed in the departmental proceeding initiated against the petitioner vide charge sheet dated March 28, 2023, and subject to the same having been concluded prior to the superannuation of the petitioner, let any terminal benefits payable to the petitioner be released, within a period of 2 weeks from the date of the communication of a copy of this order.
8. It is further made clear that the continuation, if any, of the departmental proceeding post retirement, would be in terms of the service regulations of the employee of the State Fisheries Development Corporation Limited.

9. Needless to mention, any decision taken by the respondents shall be communicated to the petitioner, as expeditiously as possible, preferably within a period of 3 weeks from the date of receipt of a copy of this order.
10. With the aforesaid directions, the instant writ petition shall stand disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)