

W.P.A. 2989 of 2025

**Bimal Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Abhirup Chakraborty

...for the Petitioner

Mr. Amit Gupta
Mr. Sourav Mondal

...for the State

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Learned advocate representing the petitioner submits that the petitioner retired on superannuation on 30th April, 2024 from the post of Group-D of a Government aided school but till date retiral dues have not been sanctioned in his favour. Petitioner prays for expeditious settlement of pension case and release of retiral dues.

Learned advocate representing the State respondents submits on instruction that there is matrimonial dispute pending in between the petitioner and his spouse and in connection therewith a matrimonial suit, criminal proceeding under Section 125 Cr.P.C and another criminal proceeding under Section 498A of Indian Penal Code are pending.

In connection with pendency of judicial proceedings reliance is placed on Rule 19(5) of Death-cum-Retirement Benefit Scheme which was promulgated

vide Government memo dated 15th May, 1985 being No.136-Edn(B).

Having considered the submissions made on behalf of the parties, this Court finds on application of Rule 19(5) of the DCRB Scheme of 1985 in view of pendency of judicial proceedings against the petitioner at present gratuity and final pension cannot released. However, the concerned State authorities as well as school authority are directed to release provident fund and provisional pension in favour of the petitioner by four (4) weeks from the date of communication of this order.

Petitioner shall be at liberty to take steps in accordance with law after disposal of the judicial proceedings which are pending against him.

With the above directions, writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon usual undertakings.

(Saugata Bhattacharyya, J.)