

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2959 of 2024

**Manik Chandra Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Sarwar Jahan.
Md. Ashraful Huq.
Ms. Tapati Sarkar.
Ms. Shalini Sen.
...For the Petitioner.**

**Mr. Suman Dey.
...for the State.**

1. The petitioner is a superannuated employee of the School. He was convicted in a criminal case for which he has not been paid his terminal dues. Provisional pension, however, is being released in his favour.

2. He prays for issuance of full pension and other terminal benefits.

3. Learned advocate for the petitioner relies on the judgment delivered by this Court in the matter of **Gunamay Mahato -Vs- The State of West Bengal & Ors.** reported in **2022 4 CHN 381** where the Court held that if the criminal proceeding against the employee does not have any nexus with his service and there is no allegation of pecuniary loss caused to the Government by the employee during his service tenure, terminal dues ought not to be withheld.

4. Learned advocate appearing for the State respondents opposes the prayer of the petitioner.

Provisions of the DCRB Scheme, 1981 relating to withholding of pension and gratuity in case where judicial proceeding is pending has been highlighted. It has been submitted that the dues of the petitioner has been rightly withheld.

5. Upon hearing the submission made on behalf of the parties and on perusal of the documents placed before this Court, I am of the opinion that the issue in the instant case will be governed by the law laid down by this Court in the matter of **Gunamay Mahato (supra)**.

6. In the present case, there is no allegation that the incident which triggered the criminal proceeding has no nexus with the service of the petitioner. There is also no allegation that any pecuniary loss was caused to the Government by the act of the petitioner.

7. It further appears that no disciplinary proceeding was initiated against the petitioner during his entire service tenure. The employee retired from service way back on 31st March, 2016.

8. The petitioner is nearly 70 years of age. He claims that his provisional pension is so meagre that it has become difficult for him to make two ends meet. He is entitled to live with dignity.

9. In view of the above, the writ petition stands disposed of by directing the concerned District Inspector of Schools to take all necessary steps to release the terminal dues of the petitioner at the earliest but latest within a period of six months from the date of communication of this order.

10. The District Inspector of Schools and the School shall make ready all the documents of the

petitioner so that his terminal dues are released in terms of the direction passed hereinabove.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)