

W.P.A. 5240 of 2025

**Sri Buddhadeb Das
Vs.
The State of West Bengal & Ors.**

Mr. Debdutta Raha

...for the Petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Mr. Jahangir Hossain

...for Respondent No.3

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

Petitioner was an Assistant Teacher of
Panchpara High Madrasah, Howrah (hereinafter referred
to as “*the said madrasah*”) who has come up with the
present writ petition, *inter alia*, praying for release of
retiral dues including arrear salary.

It is submitted that petitioner retired on
superannuation on 31st January, 2024 but subsequently
no steps have been taken for releasing retiral benefits
including arrear salary in favour of the petitioner.

Mr. Mukherjee, learned advocate representing
the said madrasah submits that petitioner was
suspended from service with effect from 25th January,
2021 since he was implicated in a criminal proceeding
and said criminal proceeding is still continuing. It is also
submitted that the petitioner was taken into custody on

10th May, 2021 in connection with the said criminal proceeding and released on bail on 8th July, 2021.

According to the said madrasah authority, a disciplinary proceeding was initiated against the petitioner which has not yet been concluded by issuing final order.

It is submitted that due to pendency of criminal proceeding and a disciplinary proceeding against the petitioner, he is not entitled to receive retiral benefits.

Since petitioner was an Assistant Teacher of a recognized madrasah, release of retiral benefits is to be governed by the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit), Scheme, 1981 (for short "*DCRB Scheme, 1981*"). It has been provided that if at the time of superannuation of a teacher or non-teaching employee departmental/ judicial proceeding is found to be pending, final pension and gratuity shall not be sanctioned in favour of such teaching/ non-teaching employee.

In the present case, since departmental and judicial proceedings are pending against the petitioner till conclusion of those proceedings, he is not entitled to receive final pension and gratuity as it has been provided under Clause 19(5) of DCRB Scheme, 1981. However,

there is no embargo in directing the respondent authorities to release provident fund and provisional pension in favour of the petitioner.

The authority of Panchpara High Madrasah, Howrah and the State respondents 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.

With the above direction, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)