

W.P.A. 5784 of 2025

**Sanjibon Ponda
Vs.
The State of West Bengal & Ors.**

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed
...for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State

Mr. Kunal Ganguly
...for the Board
Mr. Achintya Kr. Banerjee
Ms. Indumouli Banerjee
...for the respondent no. 6

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

Grievance of the petitioner is in spite of his superannuation on 31st December, 2023 till date retiral dues including pension have not been settled and released in his favour. Petitioner prays for direction upon the respondent authorities to release pensionary benefits including provident fund and gratuity. Such prayer made on behalf of the petitioner is opposed by the learned advocates representing the State respondents, West Bengal Board of Secondary Education and the teacher-in-charge, Habra High School, North 24 Parganas since petitioner has been implicated in a criminal case

under the relevant provisions of Protection of Children from Sexual Offences Act and proceedings till date has not been concluded. It is also submitted that in connection with said criminal proceeding petitioner was taken into custody and subsequently he was enlarged on bail.

Attention of this Court has also been drawn to an order dated 17th February, 2025 passed by the District Inspector of Schools (SE) North 24 Parganas which is at page 47 of the writ petition wherefrom it appears that a decision was taken by the concerned District Inspector of Schools in consideration of pendency of criminal proceedings not to release pension in favour of the petitioner.

Since petitioner has retired on superannuation on 31st December, 2023 and he was a headmaster of Government aided secondary schools settlement and release of retiral dues and pension needs to be governed by the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme 1981 (DCRB 1981). Under Clause 19(5) of DCRB 1981 it has been provided that final pension, gratuity etc, shall not be sanctioned to an employee against whom

departmental/judicial proceedings have been instituted/continued.

In view of submissions made on behalf of the parties that criminal proceeding has not been taken into logical conclusion school authority and the State authority are directed to release provident fund and provisional pension to the petitioner by 4 (four) weeks from the date of communication of this order, if those benefits are not released in the meantime.

Writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)