

15.01.2025
Court No.23
DL/Item No.-13
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28916 of 2023

**Pradip Kumar Bhattacharjee
versus
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharyay, Sr. Adv.,
Mr. Saikat Chatterjee,
Mr. Palash Bapari

....for the petitioner
Ms. Mousumi Chowdhury,
Mr. Siddartha Ghosh

....for the State

The petitioner was appointed temporarily to the post of Peon under the Directorate of Social Welfare (ICDS) and Nutritious Programme, Government of West Bengal by an office order dated 20th March, 1996. The petitioner, after joining the Directorate, had rendered continuous service and was disengaged with effect from 31st July, 2021. At the time of superannuation, the petitioner was a Peon under the Raniganj ICDS Project. Although, the petitioner on having superannuated, was entitled to retiral benefits like leave salary, gratuity, General Provident Fund (in short, "GPF") and Group Insurance Scheme (in short, "GIS") but the same has not been released due to the reasons enumerated hereinafter.

After the petitioner's superannuation, a criminal case was instituted against the Child Development Project Officer (in short, "CDPO"), Raniganj, on the allegation of defalcation of bill amount. The criminal case being Raniganj P.S Case No.660/2021 dated 17th December, 2021 under Section 408/409/120B of the Indian Penal Code, 1860 (in shot, "IPC"). The Anti-Corruption Vigilance Department also started an enquiry with regard to such officer's defalcation of bill amount.

The petitioner says that the petitioner's bank account was used by the CDPO, Raniganj for receiving certain payments. The petitioner, after retaining the salary amount payable to the petitioner in the said bank account, had passed on all the money received in his said bank account to the concerned CDPO. The petitioner has co-operated with the Investigating Officer and has stated all these facts by providing materials in support thereof. The charge sheet has been framed against the CDPO, Raniganj (respondent no.5). The petitioner is not implicated in the said criminal proceedings and has been named as one of the witnesses of the prosecution in such case.

The petitioner says that neither prior to the superannuation nor thereafter any disciplinary proceedings has been initiated against the petitioner. The petitioner was also never suspended in

contemplation of initiation of any disciplinary proceedings. In this background, the petitioner says that there is no cogent ground to withhold the retiral benefits of the petitioner.

The matter was adjourned on a previous occasion to enable the learned advocate for the State to place before the Court the present position of the criminal case initiated against the CDPO, Raniganj. The learned advocate for the State has placed before the Court an electronic mail sent by the Inspector-in-Charge, Raniganj Police Station on 6th December, 2024 to the present CDPO, Raniganj ICDS Project, Paschim Bardhaman. The said electronic mail is taken on record.

On a perusal of such mail, it will appear that the petitioner had no involvement in the criminal proceedings arising out of Raniganj Police Station being P.S Case No.660 of 2021 dated 17th December, 2021.

After considering the submission of the parties and materials on record, I find that there is no cogent ground for withholding the retiral benefits of the petitioner, particularly when no disciplinary proceedings was initiated against the petitioner during his service tenure, the petitioner was never suspended in contemplation of initiation of the disciplinary proceedings and is also not implicated in the criminal proceedings.

In the aforesaid facts and circumstance, the respondents and each one of them are directed to forthwith pay all the retiral benefits to the petitioner but not later than 28th February, 2025, subject to the petitioner's fulfilling the requisite formalities. It is made clear that in the event the petitioner is found guilty in the criminal case, the employer would be free to take necessary action against the petitioner in accordance with law.

Nothing further remains to be adjudicated in this writ petition. The writ petition is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)