

30.04.2025
Court No. 2
Item No. 92
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 415 of 2025

Tuphan Kumar Maiti
Versus
The State of West Bengal & Ors.

Mr. Jaydeep Kanta Bhowmik.
Mr. Sayantan Bhowmik.
Mr. S. Kumar.
Ms. Sayantani Das.
.....for the petitioner.

Mr. Hirak Barman.
Mr. Kumar Shantanu.
... for the State.

1. Report by the District Inspector of Schools (S.E.), Jalpaiguri dated 28th February, 2025 is taken on record.

2. The petitioner is a retired school teacher. His terminal benefits have been withheld on the ground of pendency of a criminal case being Matelli P.S. Case No 261 of 2022 under Section 8 of POCSO Act.

3. The petitioner refers to the order passed by this Court on 7th November, 2024 in WPA 1860 of 2024 (Souvik Kunda –versus- The State of West Bengal & Ors) wherein under similar circumstances the Court directed the authorities to pay admissible retiral benefits.

4. It appears that the criminal case which is pending against the petitioner is no way related to his service. No disciplinary proceeding has been initiated against the petitioner by the employer.

5. It is settled law that if any criminal case, not connected with the service of the employee, is pending and the conduct of the employee has not caused any financial loss to the employer, the pendency of the said case should not stand in the way of disbursement of terminal dues of the retired employee.

6. The Court in the matter of Souvik Kunda (supra) took note of the decisions in the cases of Anandi Prasad Mahato v. State of West Bengal, reported in 2014 (2) CHN (Cal) 103, unreported decision of this Court rendered in WP No. 9890 (W) of 2015 (Prafulla Chandra Mahato v. The State of West Bengal) and unreported decision of a co-ordinate Bench rendered on December 18, 2015 in WP No. 28290 (W) of 2015 (Gunamay Mahato v. The State of West Bengal & ors.).

7. In view of the above, the instant writ petition is disposed of by directing the respondent authority to take steps for releasing the terminal dues of the petitioner in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

8. The writ petition stands disposed of.

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

(Amrita Sinha, J.)

