

24 **18.02.
2026**

Ct. No. 24

Ab

WPA 2256 of 2025

**Ujjal Kumar Dikpoty @ Ujjal Kumar Dikpoti
Vs.**

The State of West Bengal and others.

**Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Rajashree Tah,
Ms. Trisha Rakdhit,
Ms. Aishwarya Datta,
Ms. Bidisha Chakraborty,
Ms. Sadia Parveen.**

... for the petitioner.

**Mr. Sirsanya Bandopadhyay,
Mrs. Tapati Samanta,
Mr., Arindam Ghosh.**

... for the State.

1. The grievance of the petitioner is that he is not receiving the pension and retiral benefits has been somewhat addressed upon the petitioner receiving provisional pension, pursuant to an order of this Hon'ble Court dated June 10, 2025.
2. The facts of the case are not much in favour of the petitioner. The petitioner, a Librarian, was charged with misappropriation of a sum of Rs. 2,76,500/-. The said sum, as appears from the records, was transferred by the petitioner to the account of his wife on the ground of "family requirements".
3. The petitioner was given an opportunity on January 17, 2025 to refund the entire amount within a month thereof. Not availing the opportunity, the petitioner chose to approach this Hon'ble Court by

way of instant writ petition sometime within the period of one month, as stipulated in the notice issued by the authority on January 17, 2025.

4. Since the period of one month lapsed, the authority proceeded to file a First Information Report, which is still in subsistence.
5. The petitioner and his wife were alleged to be the perpetrators of this crime being a financial defalcation, which is serious in nature.
6. The petitioner has been afforded a substantial relief by this Hon'ble Court by its order of June 10, 2025 directing, inter alia, that provisional pension not exceeding the maximum services up to the date of his retirement can be paid and is being paid.
7. Mr. Bandopadhyay, learned Senior Standing Council, has referred to para 19(5) of the Death-cum-Retirement Benefit Scheme, 1981, which clearly mentioned as under:

“Final pension, gratuity etc. Shall not be sanctioned to an employee against whom departmental/judicial proceedings have been instituted/continued. In case of misconduct of the pensioner, the pension sanctioning authority has the power to withhold pension or reduce the pension.

Where any departmental or judicial proceeding is instituted or where a departmental proceeding is continued against an employee who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying services up to the date of retirement, or if he was under suspension on the date of retirement up to the

date immediately preceding the date on which he was placed on suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

Payment of this provisional pension shall be adjusted against the final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

Note: The grant of pension under this sub-para shall not prejudice the operation of sub-para 2 when final pension is sanctioned upon conclusion of the proceeding.”

8. Even if the petitioner is desirous of making payment of the amount alleged to have been defalcated, which he indicated, he was, the proceedings drawn up against him under Section 420 of the Indian Penal Code will not be altered nor absolve him of his criminal liabilities as stipulated in the Act.
9. In view of the Rules quoted hereinbefore and the fact that there is a pending proceeding against the petitioner, there is no scope to direct the authorities to release or disburse the full and final pension to the petitioner.
10. In view of the afore-stated, I direct the authorities to continue disbursing the provisional pension, to which they have agreed in their Memo No. 91/DLO/PRB-BDN dated February 16, 2026. The copy whereof, as produced, is kept on record.
11. With the afore-stated directions, the writ petition is disposed of.

12. There shall, however, be no order as to costs.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)