

17.03.2026
Sl. No. 31
Ct. No.14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/17102/2025
SATYAJIT KUMAR MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Mir Anowar

...for the Petitioner.

Ms. Susmita Biswas Chowdhury

...for the State.

1. By the present writ petition the petitioner seeks for direction upon the respondent authorities, particularly, respondent no. 2, the Chairman, District Primary School Council, North 24 Parganas to release monthly pension on regular basis, gratuity, provident fund and other service benefits in favour of the petitioner upon consideration of the representation of the petitioner dated 12th February, 2020.
2. The petitioner contends that he was appointed as an Assistant Teacher provisionally on compassionate ground in Khaikali Primary School, North 24-Parganas. During his service tenure, a criminal proceeding was initiated against the petitioner being Gopalnagar Police Station Case No. 396/15 dated 27th August, 2015 under POCSO Act and the petitioner was arrested on 28th August, 2015. The petitioner was suspended with effect from 28th August, 2015. On 21st June, 2016, the petitioner was enlarged on interim

bail which was confirmed on 17th August, 2016. On 13th December, 2016, the petitioner made a representation for rejoining in order to resume his duties but he was not allowed. Moreso, no subsistence allowance was paid to him. The petitioner preferred a writ petition being W.P. 11416(W) of 2017 which was withdrawn on 10th January, 2018. On 12th February, 2020, the petitioner made a representation for release of arrear monthly salary/subsistence allowance and to pay the same on regular basis. As no steps were taken, the petitioner preferred a writ petition being W.P. 3396(W) of 2020 which was disposed of on 4th January, 2022 with the following directions:

“As it appears that the representation of the petitioner seeking subsistence allowance is pending consideration at the end of the Chairman, District Primary School Council, accordingly the instant writ petition is disposed of by directing the respondent no. 2, being the Chairman, District Primary School Council, 24 Parganas (North) to take a decision with regard to the prayer of the petitioner for disbursement of the subsistence allowance in his favour strictly in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.”

3. In the meantime the petitioner retired from service on 28th February, 2023. The suspension order was revoked on 22nd April, 2024, with effect from 23rd February, 2023.
4. On 29th September, 2023, the petitioner made a representation for release of pension, gratuity, provident fund and other benefits. Since those benefits were not released, the petitioner filed a writ petition being W.P. 4548(W) of 2024 which was

disposed of on 17th May, 2024 with the following directions:

“The petitioner is, therefore, entitled to the provisional pension pending in the result of the criminal proceedings against him. The criminal proceeding in question arose out of discharge of the duties of the petitioner within the scope of the employment.”

5. The present writ petition is filed on the similar prayer for release of monthly pension on regular basis, gratuity, provident fund and other service benefits. As per the direction of this Court passed in WPA 4548 of 2024, the petitioner was made entitled to provisional pension pending results of criminal proceedings against him. The order passed in WPA 4548 of 2024 has not been challenged. It is not in disputes that the criminal case is still pending against the petitioner. It is informed by the learned advocates that the provisional pension is released to the petitioner on regular basis.
6. In view of the above, no relief can be granted in the writ petitioner.
7. Accordingly, the writ petition being **WPA 17102 of 2025** stands dismissed.
8. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
9. Consequently, connected applications, if any, stand disposed of.
10. Interim orders, if any, stand vacated.
11. There shall be no order as to costs.

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

(Bivas Pattanayak, J.)