

07/04
2026

AD/77/24
266312
NANDY

(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/29441/2025

NARYAN CHANDRA KAMILA
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Subhransu Panda, Advocate
Mr. Rohit Adhikari, Advocate
Mr. Anupam Singha, Advocate
Mr. Ratul Ghosal, Advocate

.....for the Petitioner

Ms. Sipra Majumdar, Advocate
Ms. Prativa Ghatak, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, it was refused by the School Authority; there is no representation on behalf of the School Authority. The refusal of service is deemed to be a good service.
3. The petitioner's grievance is that he is not being paid his provisional pension. There are certain pending judicial proceedings against the petitioner, which are not in dispute.
4. Ms. Majumdar, learned Advocate appearing for the State, submits that the School is yet to send the requisite documents to the concern of the District Inspect of Schools (D.I.) to enable him to assess and make a recommendation to the Director of Pension, Provident Fund & Group Insurance, respondent no. 4 herein, to consider the case of the petitioner.
5. As there are proceedings pending, the question of sanctioning full pension to the petitioner does not arise. However, the admitted position is that under Rule 19(5) of the West Bengal Recognized Non-Govt. Educational Institution (DCRB) Scheme 1981,

the petitioner is entitled to receive a provisional pension, in view of the pendency of the judicial proceedings against him.

6. Mr. Panda, learned Advocate for the petitioner has relied upon a decision of the Division Bench of this Hon'ble Court, reported in **2007 (2) Calcutta Law Journal (Cal) 436**.
7. In line with the decision as afore-stated, I direct the School Authorities to immediately submit all requisite papers to the concerned District Inspector of Schools, within a period of four weeks from the date of communication of this order.
8. The concerned D.I. will consider such documents and forward the same, with an appropriate recommendation, to respondent no. 4.
9. Since the petitioner is entitled to provisional pension under rule 19(5) of the afore-stated DCRB Scheme, the respondent no. 3 will determine the provisional pension within a period of two weeks from the date of receiving the papers and recommendations from the concerned D.I.
10. The respondent no. 4 will issue the Pension Payment Order (PPO) to the petitioner for consequential disbursement of his provisional pension from the concerned treasury within two weeks.
11. The Provident Fund of the petitioner will be disbursed by the School and the concerned D.I., to the petitioner within a period of four weeks from the date of communication of this order, if not already paid.
12. It is made clear that no gratuity amount is to be paid to the petitioner till completion of the judicial proceedings and the provisional pension paid to him will be accordingly adjusted upon completion

of the judicial proceedings, which is pending against him.

13. With the afore-stated direction, **WPA/29441/2025** is **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)