

S/L 03
28.04.2026
Court No.04
B.K.N

W.P.S.T. 268 of 2025
Pabitra Kumar Poddar
Vs.
The State of West Bengal & Ors.

Mr. Ayan Banerjee,
Mr. Dhiman Banerjee

...for the Petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Pinaki Dhole

...for the State Respondents.

1. Heard the learned advocate for the petitioner and the learned advocate for the State.
2. The petitioner after making submissions on the merits of the pending application/petition confines his relief to the petitioner's dues under Rule 10(2) of the West Bengal Services (Death cum Retirement Benefit) Rules, 1971 [hereinafter referred to as DCRB Rules].
3. According to the learned advocate for the writ petitioner, the petitioner is entitled to payment of a provisional pension and other retiral dues under the said provision. He has drawn attention of the Court towards the communication written from the Indian Audit and Accounts Department (Accountant General Office) to the respondent no. 6 with a view to finalizing the petitioner's benefits under this head.
4. The learned AGP submits that the petitioner would not be entitled to any benefits under the heading 'Death cum Retirement Gratuity' which is specified in Rule 10(2) itself.

5. The bar to payment of gratuity is obvious from a plain reading of the provision of Rule 10(2) of the DCRB Rules. Insofar as other benefits admissible, including the provisional pension we find that Rule 10(2) contemplates grant of provisional pension to the writ petitioner during pendency of the proceeding. It is for the authorities to expeditiously take steps pursuant to the communication from the office of the Accountant General dated 27.10.2025.
6. We, therefore, direct that the respondent no. 6 shall take steps expeditiously and forward the admissible dues including provisional pension to the concerned authorities for processing and payment to the writ petitioner. The respondents should ensure payment of the admissible dues to the writ petitioner within a period of six weeks from the date of receipt/production of the copy of this order before the respondent no. 3 and 6. The respondents shall also serve a statement showing the details of payments made under various heads for the sake of transparency. This concludes the matter insofar as the petitioner's claim for admissible dues under the DCRB Rules is concerned.
7. Insofar as the challenge to the charge memo dated 30.01.2024 issued against the writ petitioner, the learned advocate complains that for more than two years now the proceeding have been kept pending and no final decision was taken in this regard.

8. Under the circumstances we consider it appropriate to direct the respondent authorities to take steps for expeditious conclusion of the proceeding on the basis of charge memo dated 30.01.2024, subject to cooperation of the writ petitioner, within a period of three months from the date of receipt/production of a copy of this order.
9. The writ petition is disposed of in these terms.
10. The parties are ad idem on the issue that in view of the present order being passed in the writ proceeding, pendency of the Original Application bearing O.A. No. 619 of 2025 before the West Bengal Administrative Tribunal would serve no useful purpose. The same is accordingly disposed of.
11. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)