

15.06.2026
Sl. No.37
Ct. No.6
ss

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

W.P.A. No. 725 of 2026

**Dulal Chandra Sarkar @ Dulal Ch.
Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Subhasish Misra
Mr. Satyajit Paul
Mr. Rounak Ghosh
...for the Petitioner.

Mr. Kunaljit Bhattacharjee, Ld. AGP
Ms. Esha Acharya
...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for disbursement of provisional pension in terms of Rule 10(2) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, '*DCRB, Rules, 1971*').
3. The petitioner contends that he was appointed as Job Assistant and joined the Government service on 20th July, 1999 at Gitaldaha Gram Panchayat within Dinhata-I Development Block in the District of Coochbehar and discharged his function diligently.

During his service tenure the petitioner was implicated in a criminal proceeding in Dinhata Police Station Case No.453 of 2010 under Section 409 of Indian Penal Code, which is pending before the learned Special Judge-cum-Additional Sessions Judge, 2nd Court, Coochbehar. The petitioner was granted bail by the Hon'ble Court in CRM 7623 of 2011. Thereafter, the petitioner was also promoted to the post of Executive Assistant and posted at Salbari-I Gram Panchayat vide order No.PRD/957 dated 29th December, 2016. The petitioner retired from service on superannuation on 31st January, 2025. However, no provisional pension has been released in his favour. On 23rd February, 2026 the petitioner made a representation before the District Magistrate & Collector, Coochbehar, respondent no.2 seeking sanction of provisional pension. However, the same is pending consideration. Hence, this writ petition.

4. Mr. Subhasish Misra, learned Advocate appearing on behalf of the petitioner submits that as per Rule 10(2) of DCRB Rules, 1971 the petitioner is entitled to

provisional pension in the event of pendency of judicial proceeding. He seeks the matter may be relegated before the authority concerned to take a decision on the representation of the petitioner dated 23rd February, 2026.

5. Mr. Kunaljit Bhattacharjee, learned Additional Government Pleader also submits that the matter may be relegated to the appropriate authority to decide in accordance with law.
6. In view of submissions advanced on behalf of the learned Advocate for the respective parties, the respondent no.2, the District Magistrate & Collector, Coochbehar is directed to consider the representation of the petitioner dated 23rd February, 2026, annexure P6 to the writ petition and dispose of the same in accordance with law upon notice to the petitioner, within a period of six weeks from the date of communication of this order.
7. The reasoned order shall be communicated to the petitioner within a week from the date of passing of such reasoned order.

8. With the aforesaid direction, the writ petition being **WPA 725 of 2026** stands disposed of.
9. It is made clear that this Court has not gone into the merits of the writ petition.
10. Petitioner is directed to communicate this order to the respondent no.2, the District Magistrate & Collector, Coochbehar for necessary compliance.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)