
(2013) 07 CAL CK 0086
In the Calcutta High Court
Case No : W.P. No. 14668 (W) of 2012

Anadi Prasad Mahato

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 23-07-2013

Acts Referred:

Citation : (2014) 2 CHN 103

Hon'ble Judges : Debasish Kar Gupta, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Debasish Kar Gupta, J.—This writ application is filed by the petitioner for a direction upon the respondent No. 2 to release his terminal benefits arising out of his service as a Headmaster of Palashkala Gopalpur Junior High School, P.O. Banbahal, District-Purulia. Having heard the learned Counsel appearing for the respective parties as also after considering the facts and circumstances of the case, I find that during the tenure of the above service a criminal proceeding was initiated against the petitioner under sections 148/149/302 of the Indian Penal Code in Sessions Trial No. 109 of 1989. He was convicted in the above case. Subsequently, he preferred an appeal being CRA 225 of 2005 in the matter of Anadi Mahato v. State of West Bengal & Ors. The above matter is pending and he has been enlarged on bail by an order dated November 16, 2009.

2. The learned State Advocate submits on instruction that due to the pendency of the appeal the terminal benefits of the petitioner arising out his service under reference have not been released.

3. After perusing the materials on record I find that the criminal proceeding under reference had no nexus with the service of the petitioner. No allegation of pecuniary loss of the respondents arising out of the service of the petitioner is involved in any proceeding. No disciplinary proceeding was initiated against the petitioner during his service tenure. Therefore, the terminal benefits have been

withheld by the respondent authority on extraneous consideration.

4. In view of the above, I direct the respondent No. 2 to release the terminal benefits to the petitioner arising out of his service as the Headmaster of the school under reference within a period of two months from date together with interest at the rate of 9 per cent per annum on arrears for the period from the date on which it was issued and payable till the date of its actual payment.

5. The rate of interest is fixed at 9 per cent taking into consideration the highest prevailing rate of interest payable on a fixed deposit by a nationalized bank and the same shall be paid from the public exchequer at the first instance, The Secretary to the Government of West Bengal, School Education Department is directed to release the aforesaid interest from the salary of the concerned District Inspector of Schools, Secondary Education, District-Purulia within three months or by way of raising public demand in case of his retirement from the service for depositing in the public exchequer.

6. The writ application is, thus, disposed of.

7. There will be, however, no order as to costs. Urgent photostat certified copy of this order be supplied to the parties, if applied for, on the usual undertakings.