

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, Id. A.G.P.,
Mr. Pinaki Dhole

...for the State Respondents

1. A short submission advanced by the learned counsel for the writ petitioner is that the proceedings initiated prior to the petitioner's superannuation, could not continue, thereafter.
2. He relies on Rule 10 of the West Bengal Services (Death-cum-Retirement Benefit) Rules to submit that under the Rules such continuance is permissible only if there is a loss occasioned to the Government by the alleged misconduct which is liable to be recovered.
3. He has relied upon the decision of the coordinate Bench in the case of **Gour Chandra Sarkar Vs. The State of West Bengal & Ors.** reported in **(2010) 3 CHN 871 (Cal) (DB)**.
4. The learned A.G.P. on the other hand has drawn attention of this Court towards a judgement of the Apex Court in the case **State of West Bengal & Ors. Vs. Pronab Chakraborty** reported in **(2015) 2 SCC 496**.

5. Mr. Banerjee, learned counsel for the petitioner submits that there are some other judgements which he would like to rely upon and, therefore, seeks an adjournment of the matter.
6. List the matter on **20th January, 2026** under the appropriate heading.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)