

**WPA 8214 of 2020**

**Sudipta Hazra & Anr.  
Vs.  
The State of West Bengal & Ors.**

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Mr. Biswajit Sarkar  
... For the Petitioners

Mr. Lalratan Mondal  
Mr. Probal Sarkar  
... For the Murshidabad Municipality

Mr. Ayan Banerjee  
... For the State

The petitioners claim to be heirs of a deceased employee of the Murshidabad Municipality. The Pension Payment Order (PPO) was issued in favour of the deceased employee on 08.04.2016 but the amount of gratuity and other dues as mentioned in the PPO was not disbursed in favour of the recipient on the ground of non-availability of funds.

The learned advocate representing the Municipality submits that the Municipality is under an Administrator and as there is severe shortage of funds in the Municipality the dues of the petitioner could not be cleared.

In a similar matter being WP No. 13953(W) of 2015 a co-ordinate Bench of this Court by an order dated January 18, 2016 directed the respondents to clear off the dues of the petitioner within a specified time.

The learned advocate representing the State respondents submits that the Municipality has its own fund and the State is not bound to provide fund to the Municipality for clearing the financial dues for their employees.

As it appears that order have been passed in

similar matters by the Court, accordingly, the instant writ petition is also disposed of on similar lines.

The respondent nos. 5, 6 and 7 being the Administrator, Murshidabad Municipality & Sub-Divisional Officer, Lalbag, the Executive Officer of the Murshidabad Municipality and the Chairman, Murshidabad Municipality are directed to take immediate steps for releasing the dues of the petitioner as mentioned in the PPO within a period of six months from the date of communication of a copy of this order.

As the money was due and payable immediately after death of the employee and there has been inordinate delay on the part of the respondents in releasing the said dues, the recipient shall be entitled to receive the money along with interest. The dues of the deceased shall be paid along with interest @ 4% per annum to be calculated on and from the date of its accrual till the date of actual payment.

The respondent nos. 1 and 2 being the Principal Secretary, Department of Urban Development & Municipal Affairs and the Principal Secretary, Finance Department, Government of West Bengal are directed to ensure that the order passed herein is complied by the Municipality within the time as specified hereinabove.

WPA 8214 of 2020 is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)

