

In The High Court At Calcutta  
Constitutional Writ Jurisdiction

16.12.2020  
Ct. No. 24  
Item No. 10

( Vid Video Conference)

WPA No. 8823 of 2020  
Saday Hazra @ Harijan & Anr.  
v.  
The State of West Bengal & Ors.

Mr. Lalratan Mondal  
... for the petitioner.

Mr. Arindam Das  
Mr. Biswajit Sarkar  
... for the Municipality.

Mr. Ziaul Islam  
Mr. Syed M. Rahman  
... for the State.

The father of the petitioners died in harness while serving in the Berhampore Municipality on 23<sup>rd</sup> December, 1996. The Pension Payment Order (PPO) was issued in his favour on 2<sup>nd</sup> June, 1998 but the amount of gratuity as mentioned in the PPO was not disbursed in favour of the heirs of the deceased on the ground of non-availability of funds.

The learned advocate representing the Municipality submits upon instructions, that there is severe shortage of funds in the Municipality and request has been made by the Municipality to the Joint Secretary, Government of West Bengal, Department of

Urban Development and Municipal Affairs by a communication dated November 11, 2020 for supply of funds to meet the retiral dues of the employees of the Municipality.

The learned advocate appearing on behalf of the Municipality further submits that the Municipality is under an Administrator and steps have been taken for seeking funds from the State Government for payment of the dues of the retired employees.

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.

As it appears that orders 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, Berhampore Municipality & Sub-Divisional Officer, Berhampore Sadar, the Executive Officer of the Berhampore Municipality and the Chairman, Berhampore Municipality are directed to take immediate steps for releasing the dues of the deceased employee as mentioned in the PPO in favour of the legal heirs within a period of six months from the date of communication of a copy of this order.

As the money was due and payable to the legal heirs immediately after the death of the employee and there has been inordinate delay on the part of the respondents in releasing the said dues, the legal heirs of the deceased employee shall be entitled to receive the money along with interest. The dues shall be paid along with interest @ 5% 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 No. 8823 of 2020 stands disposed of.

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

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( Amrita Sinha, J.)