

Court No. 24

WPA 9642 of 2020

17.12.2020

(DL 33)

(S. Banerjee)

Sushanta Kumar Mitra

Vs.

The State of West Bengal & Ors.

Ms. Sanjukta Dutta

... for the petitioner

Mr. Tapan Kumar Mukherjee, AGP

Mr. Somnath Naskar

... for the State

Mr. Swapan Kumar Mazumdar

... for the respondent nos. 2 and 3

The petitioner retired from the service of the Nabadwip Municipality on attaining his normal age of superannuation on 31st January, 2019. He alleges that his retiral dues have not been released in his favour till date.

It appears from the annexures of the writ petition that a communication was made by the Assistant Director, Pension, Provident Fund and Group Insurance on 28th May, 2019 to the Chairman of the Nabadwip Municipality, wherein there is a audit observation mentioning that the pension case in respect of the petitioner is returned as there is no post of Assistant License Clerk. The Chairman of the municipality was requested to clarify the matter.

The Chairman by a memo dated 25th June, 2019 clarified the matter in details. Thereafter several communications were made by and between the Municipality and the office of the Pension, Provident Fund and Group Insurance.

It appears from a communication dated 24th February, 2020 by the Joint Director, Pension, Provident Fund and Group Insurance to the Joint Secretary, Urban Development and Municipal Affairs Department that the Urban Development and Municipal Affairs Department has clarified the issue which has been accepted by the Director of Pension, Provident Fund and Group Insurance. The Urban Development and Municipal Affairs Department was requested to specify his scale of pay admissible to the employee holding the post of Assistant License Clerk with effect from April, 1981. An early action was requested to facilitate the early disposal of the pension case.

Even thereafter it appears that the petitioner has not received his retiral dues.

It is a matter of great concern that an employee who rendered 33 years of service in the Municipality has to knock the doors of justice for the purpose of receiving his retiral dues. The reason for not releasing the pension is very strange. It says that there was no such post. Had there been no such post then how could the Municipality take the service of the petitioner for such a long period of time?

The petitioner was paid his salary in accordance with the scale fixed in the Government Orders from time to time. The discrepancy in nomenclature of the post ought not to stand in the way of the respondents from releasing the pensionary benefit of a retired employee.

It appears that the department has already accepted the explanation forwarded by the Director of Pension, Provident Fund and Group Insurance. Presently it appears that there is no further impediment on the part of the respondent authorities to proceed with the pension papers of the petitioner and to take all

necessary steps to ensure that the petitioner receives his retiral dues at the earliest.

The instant writ petition is disposed of by directing the respondent no. 4 to take all necessary steps to process with the pension papers of the petitioner and ensure that the payment is released in favour of the petitioner within a period of six months from the date of communication of a copy of this order.

The Department of Urban Development and Municipal Affairs and Nabadwip Municipality are directed to render all necessary cooperation in the matter.

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

(Amrita Sinha, J.)