

08.11.2021
Sl. No.31
srm

W.P.A. No. 2122 of 2021

**Sanjoy Chatterjee
Vs.
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri,
Mr. Sariful Islam Mallick

...for the Petitioner.

Mr. Rajarshi Basu,
Mr. S.T. Mina

...for the State-respondents.

Mr. Santanu Chatterjee

...for the Asansol Municipal Corporation.

Affidavit of service is taken on record.

The petitioner is a retired employee of Barabani Gram Panchayat, District Paschim Bardhaman. Prior to his retirement, the petitioner served in Jamuria Municipality. Upon retirement, the petitioner sought for payment of his retirement benefits. The competent authority of the Jamuria Municipality intimated the petitioner that a sum of Rs.1,32,000/- should be refunded by the petitioner. Accordingly, the petitioner refunded the said amount.

Subsequently, in an audit observation, it was found that unless the petitioner refunded the interest accrued on the amount of Rs.1,32,000/-, pension papers of the petitioner could not be completed and proceeded with. The Directorate of

Pension, Provident Fund and Group Insurance, West Bengal accordingly returned the pension papers.

It is on record that the Block Development Officer, Barabani Development Block, by a letter dated April 27, 2019 being annexure P-8 to the writ petition, directed the Commissioner, Asansol Municipal Corporation to calculate the interest on the sum of Rs.1,32,000/-, which was due and payable by the petitioner.

The petitioner contends that the petitioner is agreeable to pay the interest. It is contended that unless the calculation of the interest is forwarded to the petitioner by the municipal corporation such payment cannot be made. The petitioner alleges that on account of such delay on the part of the respondents, the petitioner is being deprived of his rightful claim to the pensionary and other retirement benefits.

The Court is in agreement with the petitioner on that score. The Commissioner, Asansol Municipal Corporation is directed to get the interest payable by the petitioner on the sum of Rs.1,32,000/- calculated by his office and thereafter issue a notice upon the petitioner so that the amount may be refunded by the petitioner. On receipt of the same, the Asansol Municipal Corporation shall send the intimation to the office of the Directorate of Pension, Provident Fund and Group Insurance as also to the Block Development Officer, Barabani

Development Block and thereafter the entire matter shall be resolved within a period of 12 weeks from the receipt of the same. The municipal corporation shall intimate the petitioner the amount payable on account of interest within three weeks from the date of communication of this order.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)