

28.07.2021
Sl. No.8
srm

W.P.A. No. 2643 of 2021

Sri Dhrubadas Sur

Vs.

The Champdany Municipality & Ors.

Mr. Partha Sarkar,

Mr. Abjijit Basu

...for the Petitioner.

Mr. Ayan Banerjee,

Mr. Soumo Chowdhury

...for the Champdany Municipality.

This writ petition has been filed by a retired employee of Champdany Municipality.

The contentions are that the entire gratuity to which the petitioner is entitled has not been paid. Further contention is that although the petitioner retired on December 31, 2018, the Pension Payment Order was issued by the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as late as March 13, 2020. According to the petitioner, approximately six lakhs has been paid towards gratuity and an amount of Rs.1.30 lakh is due and payable on account of gratuity. Further contention of the petitioner is that pension payable from January, 2019 up to January, 2021 have not been released. The petitioner prays for release of remaining gratuity and the arrear pensions along with interest.

It is the contention of the learned Advocate for the Champdany Municipality that the file of the petitioner is

pending for further verification/clarification with the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal. Until and unless the said file is sent back to the municipality the matter cannot be resolved.

It is admitted that the petitioner has been getting his pension under the ROPA, 2019 on and from February, 2021. Gratuity has been paid partially and Rs.1.30 lakh is still pending.

Under such circumstances, the writ petition is disposed of with a direction upon the Chairperson, Board of Administrators, Champdany Municipality to consider the case of the petitioner pleaded in the writ petition and take immediate steps to ensure that the admitted amount of arrear pension and the remaining gratuity payable to the petitioner is disbursed within a period of six weeks from the date of communication of this order.

If the Chairperson of the Board of Administrators is of the opinion that the claims of the petitioner cannot be allowed a reasoned order shall be passed and communicated to the petitioner within the aforementioned period.

The question of grant of interest is not decided in this writ petition, as the municipality must first decide the entitlement and pay the amounts within the aforementioned period. The point of entitlement to interest is left open.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)