

W.P.A. 8131 of 2021

(Through Video Conference)

**TAPAN KUMAR BHATTACHARYA
VS.
THE STATE OF WEST BENGAL & ORS.**

**Mr. Taraprasad Halder
...for the petitioner**

**Mr. Tapash Kr. Mondal
..for the Zilla Parishad**

**Ms. Chaitali Bhattacharya
Mr. Subhendu Roy Chowdhury
..for the State**

The petitioner is aggrieved by inaction on the part of the respondent authorities in issuing Pension Payment Order in his favour.

The petitioner was a regular employee of the South 24 Parganas Zilla Parishad. He retired from the services on May 31, 2020. There was some dispute with regard to the pay protection to be granted to the petitioner.

The petitioner filed a writ petition being W.P. No. 654(W) of 2016. This Court by an order dated October 5, 2018, held that the petitioner was entitled to get pay protection and the respondents were directed to accord pay protection to the petitioner. Accordingly, the Zilla Parishad released the salary to the petitioner on the basis of the revised pay protection notionally arrived at from July 22,

2004. The petitioner was treated as the Sub-Assistant Engineer (Civil).

It is contended by the learned Advocate for the petitioner that the Zilla Parishad/ his employer has transmitted the service records to the respondent no.6, that is, the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal. The respondent no.6 has not yet issued the Pension Payment Order. It is submitted that one year has elapsed from the date of retirement but the petitioner has not yet been favoured with his pension.

Ms. Bhattacharya, learned Senior Government Advocate appearing on behalf of the State respondents submits that apart from the issue of pay protection, some other issues have been raised by the petitioner which may be a ground for the delay. That apart, due to the outbreak of the pandemic most of the staff working in the office of the respondent no.6 were absent during the intervening period.

Mr. Mondal, learned Advocate for the Zilla Parishad submits that the Zilla Parishad has complied with the direction of the Hon'ble High Court, granted pay protection and have sent all the relevant papers to the respondent no.6. The matter is now lying with the respondent no.6.

Pension is no longer a bounty, which is given by

the employer to the employee. It is the right of the employee to get his pension as a reward for the service rendered to the employer. Every days delay in getting pension causes irreparable loss and injury to a retired person whose sole sustenance is from his retirement benefits.

Under such circumstances, this writ petition is disposed of with a direction upon the respondent no.6 to expedite the issuance of Pension Payment Order and disbursement of retirement benefit of the petitioner in accordance with law.

The respondent no.6 shall be at liberty to hear the petitioner and Zilla Parishad for clarification, if required.

The respondent no.6 shall pass a reasoned order if it is found that the petitioner is not be entitled to release of his retirement benefits. If the respondent no.6 is satisfied that the petitioner is entitled to receive retirement benefits in accordance with law, then immediate steps should be taken for issuance of Pension Payment Order and disbursement of retirement benefits. In case there is a delay in releasing the benefits then the competent authority shall consider payment of provisional pension to the petitioner, otherwise the petitioner will be facing acute financial crisis.

The entire exercise shall be completed within a

period of eight weeks from the date of communication of this order.

This writ petition is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar,J.)