

04.08.2021
Court No. 19
Item no.12
CP

WPA 10354 of 2021

GOVIND PRASAD JAISWAL
VS
THE CHAMPDANY MUNICIPALITY & ORS.

(via video conference)

Mr. Partha Sarkar

.....for the petitioner.

Mr. Ayan Banerjee
Mr. Soumo Chowdhury

....for the Municipality.

Affidavit of service is taken on record.

The writ petitioner is a retired employee of Champdany Municipality. The petitioner retired from service on January 31, 2007. The P.P.O. was issued on September 16, 2011. It is the contention of the petitioner that the pension of the petitioner was paid from October, 2011. Prior to that, on and from February 1, 2007 to September, 2011 provisional pension was paid. The petitioner claims that the petitioner is entitled to full pension from February, 2007 to September, 2011 and prays for the balance of such pension be paid along with interest.

It is the further case of the petitioner that the entire gratuity amount has not been paid. The petitioner has made a calculation of the gratuity payable as also the pension amount payable by the

authorities. The petitioner has quantified the total payable amount at Rs.4,60,000/- approximately.

Mr. Banerjee, learned advocate appearing on behalf of the Municipality, submits that the calculation has not yet been made by the Municipality. He denies that the petitioner is entitled to revised pension as claimed.

However, these disputes cannot be resolved without the Municipality having applied its mind to the issue.

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 eight 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.)