

March 05, 2021

ARDR

(17)

**WPA 19530 of 2018**

Prasanta Kumar Nath

Vs.

The Director, Directorate of Local Bodies,  
Government of West Bengal & Ors.

Mr. Amitabha Mukherjee,  
Mr. Mun Mun Dubey,  
Mr. Sanjoy Chakraborty,

...for the petitioner.

Ms. Chandrani Bhattacharjee,  
Ms. Shrabani Chatterjee,

...for the Municipality.

Mr. Jaharlal De,  
Mr. Shamil ul Bari,

...for the State respondents.

The grievance of the petitioner is directed against the failure of the respondent authorities to disburse the full pension to the petitioner month by month and to pay the entire gratuity to which the petitioner is entitled to.

The petitioner relies on the Notifications dated 7<sup>th</sup> May, 2009 and 28<sup>th</sup> June, 2004 (Annexure P/5 pages 42 and 43 respectively to the petition).

It is submitted on behalf of the petitioner by the aforesaid Notifications the petitioner is entitled to disbursement of full pension as well as the outstanding Gratuity.

The Municipality is represented.

It is submitted on behalf of the Municipality that the approval to make such payment lies with the State

Government and they are not the Appropriate Authority to authorise such payments.

Mr. De appearing on behalf of the State fairly submits that the matter be remanded to the Director, Directorate of Local Bodies being the respondent no.1 which is the appropriate authority to consider the grievance of the petitioner.

I have heard the parties.

In view of the submissions made on behalf of the parties, the petitioner is directed to file a fresh representation within a period of two weeks from date along with a copy of this order to the respondent no.1 agitating his grievances and raising his demand for the amount claimed in this petition.

If such a representation is filed, the respondent no.1 is directed to give a right of hearing to the petitioner, the Municipality and any other affected party before passing its final order.

I further direct that the representation filed by the petitioner be disposed of within four weeks from the date of receipt of such representation.

I further direct in disposing of the representation of the petitioner, the respondent no.1 is directed to pass a reasoned order.

With the aforesaid directions, WPA 19526 of 2018 is disposed off. However, there will be no order as to costs.

**(Ravi Krishan Kapur, J.)**