

17
22.03.2021.
d.p.

**W.P.A 9379 of 2020
(Via Video Conference)**

**Smt. Namita Dutta
-versus
The State of West Bengal & Ors.**

**Mr. A.K. Gayen,
Ms. A.A. Gayen.
...For the Petitioner.**

**Mr. N.C. Bihani.
...For the State.**

**Mr. Bikash Kumar Chatterjee,
Mr. Soumyojit Bhatta.
...For the Municipality.**

Leave is granted to the learned advocate-on-record of the petitioner to make necessary correction in the cause title of the writ petition.

The petitioner is the wife of an ex-employee (Mazdoor) of the Panihati Municipality. She prays for disbursal of the terminal benefits of the employee in accordance with the affidavit affirmed by the employee, before the learned Judicial Magistrate, 1st Class at Barrackpore on 2nd February, 2019.

By the said affidavit, the employee undertook to pay half share of his superannuation benefit, which included gratuity, provident fund and group insurance to his wife i.e. the petitioner herein and further undertook to pay a sum of Rs.6,000/- (rupees six thousand) only per month to his wife as maintenance allowance, from deducting the same from his monthly pension.

It has been submitted by the learned advocate appearing for the Panihati Municipality that provisional pension (75%) has been disbursed in favour of the husband of the petitioner.

The petitioner has made a detailed representation before the respondent Municipality by a letter made on her behalf by her learned advocate on 4th September, 2020.

The petitioner complains that the same has not been taken into consideration by the Municipality till date.

As it appears that the representation of the petitioner for disbursement of retiral and pensionary benefits in terms of the affidavit affirmed by the employee is pending consideration at the end of the respondent Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent nos. 6 and 7 to take steps for consideration of the representation filed by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and the employee concerned, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

In the event the employee fails to appear before the aforesaid respondent at the time of hearing, then

necessary steps shall be taken for disposal of the representation of the petitioner in the absence of the employee.

None appears on behalf of the private respondent. The postal article served upon the private respondent with the remark 'returned' is retained with the records.

W.P.A. 9379 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)