

Item No. 33

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.01.2021
Ct-24

W.P.A. 9756 of 2020
Gouranga Das
v.
The State of West Bengal & Ors.

Mr. Lalratan Mondal
Mr. Probal Sarkar
... for the petitioner.

The petitioner retired on attaining the age of superannuation on April 30, 2018. His grievance is that his gratuity has not been disbursed in his favour till date. The e-Pension Payment Order issued in favour of the petitioner mentions that he is entitled to a sum of Rs. 3, 65,000/- only on account of retiring gratuity.

The petitioner prays for a direction upon the respondents to disburse his gratuity along with interest.

The petitioner relies upon a series of orders passed by this Court in similar matters. He prays for similar orders as he stands on the same footing.

None appears on behalf of the respondents in spite of service.

As it appears that the e-PPO has been issued in favour of the petitioner on 7th March, 2019 the

Municipality is bound to pay the amount indicated in the said e-PPO without any fail.

Fact remains that a considerable amount is due and payable by the Municipality in favour of the petitioner. As the amount that has been mentioned in the e-Pension Payment Order are the legal dues which the petitioner is entitled to receive, accordingly the respondent no. 5 being the Administrator of the Berhampore Municipality is directed to take immediate steps for releasing the gratuity which is due and payable to the petitioner as indicated in the e-Pension Payment Order along with interest at the rate of 5 per cent per annum to be calculated from the date of the e-PPO till the date of actual payment.

The payment as indicated hereinabove shall be disbursed in favour of the petitioner within a period of ten weeks from the date of communication of a copy of this order.

In the event, the payment as aforesaid is not disbursed in favour of the petitioner along with interest, the petitioner shall be entitled to receive further interest at the rate of 2 per cent per annum to be paid on the amount due till the date of actual payment.

W.P.A. No. 9756 of 2020 is disposed of.

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

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(**Amrita Sinha, J.**)