

18.01.2021
SL No.14
Court No.24
(P.M.)

WPA 10453 of 2020

Chandan Dey.
Vs.
The State of West Bengal & Ors.

Mr. Probal Sarkar
... for the petitioner

Mr. Arindam Das,
Mr. Biswajit Sarkar,
... for Berhampore Municipality

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty
... for the State

The father of the petitioner retired from service of the Berhampore Municipality on 31st January, 2006. The employee expired in the year 2015.

The Pension Payment Order (PPO) was issued in favour of the employee in the year 2006.

The petitioner alleges that the amount that was mentioned in the Pension Payment Order (PPO) was not disbursed in favour of the employee. Part payment was made but final payment was not made pursuant to the Pension Payment Order (PPO).

The learned advocate representing the Municipality submits that there is severe shortage of funds in the Municipality and request has been made by the Municipality to the Joint Secretary, Government of West Bengal, Department of Urban Development and Municipal

Affairs by a communication bearing Memo No. 1604/2019/BM dated December 19, 2019 for supply of funds to meet the retiral dues of the employees of the Municipality.

It has been submitted that the Municipality is under an Administrator and steps have been taken for seeking funds from the State Government for payment of the dues of the retired employees.

In a similar matter being W.P. No. 13953(W) of 2015 a co-ordinate Bench of this Court by an order dated January 18, 2016 directed the respondents to clear off the dues of the petitioner within a specified time.

As it appears that orders have been passed in similar matters by the Court, accordingly, the instant writ petition is also disposed of on similar lines.

The respondent Nos. 5, 6 and 7 being the Administrator, Berhampore Municipality & Sub-Divisional Officer, Berhampore Sadar, the Executive Officer of the Berhampore Municipality and the Chairman, Berhampore Municipality are directed to take immediate steps for releasing the dues as mentioned in the PPO within a period of six months from the date of communication of a copy of this order.

As the money was due and payable on the date of retirement and there has been inordinate delay on the part of the respondents in releasing the said dues, the petitioner shall be entitled to receive the money along with interest.

The dues shall be paid along with interest @ 5% per annum to be calculated on and from the date of its accrual till the date of actual payment.

The respondent Nos. 1 and 2 being the State through the Principal Secretary, Department of Urban Development & Municipal Affairs and the Principal Secretary, Finance Department, Government of West Bengal are directed to ensure that the order passed herein is complied by the Municipality within the time as specified herein above.

WPA 10453 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)