

06.01.2021

Ct. No. 24

Item No. 21

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA No. 11874 of 2020

Krishna Prasad

-vs-

The Champdany Municipality & Ors.

Mr. Partha Sarkar,
Mr. Abhijit Basu

for the petitioner

Mr. Ayan Banerjee,
Mr. Soumo Chowdhury

for the Municipality

None appears on behalf of the State respondent despite service.

Affidavit of service filed in court today is retained with the records.

The petitioner retired from the service of the Champdany Municipality on 30th September 2018. He complains that his retirement dues have not been disbursed in his favour till date.

The petitioner hands up a copy of a communication dated 31st December 2020 written by the Chairperson, Board of Administrators, Champdany Municipality wherefrom it appears that his pension file has been submitted to the Director, Directorate of Pension, Provident Fund & Group Insurance on 30th December, 2020, vide Memo No. 1036/20-21/CM dated 30th December 2020.

The petitioner submits that according to law, the Municipality was duty bound to forward his pension documents to the Office of the Directorate of Pension, Provident Fund & Group Insurance eighteen months prior to his date of superannuation. The Municipality sat tight over the matter and forwarded his pension file to the concerned authority only after a copy of the writ petition was served upon the Municipality.

The learned advocate representing the Municipality submits, upon instructions, that the pension file of the petitioner was forwarded to the Directorate of Pension, Provident Fund & Group Insurance earlier but the same was returned due to some errors in the said documents. The Municipality re-submitted the pension file of the petitioner on 30th December 2020.

Be that as it may, as per law, an employee is entitled to receive his retiral dues immediately upon his retirement. The employer ought to have taken all necessary steps to forward the pension file of the employee concerned prior to his normal date of superannuation so that the employee can receive the retiral dues immediately after retirement. The same has not been done in the case at hand.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 4 being the Director of Pension, Provident Fund & Group Insurance to process the pension file of the petitioner and take all

necessary steps for issuance of the pension payment order so that the petitioner receives his pension and other retiral dues at the earliest. The respondent no. 4 shall take necessary steps in the matter within a period of eight weeks from the date of communication of a copy of this order.

The Municipality shall thereafter release the dues in favour of the petitioner as mentioned in the PPO immediately thereafter but positively within three months from the date of receipt of the PPO.

As there has been inordinate delay on the part of the Municipality in releasing the dues of the petitioner, the petitioner shall be entitled to receive the dues along with interest. The dues of the petitioner shall be paid along with interest at the rate of six per cent per annum to be calculated from the date of its accrual till the date of actual payment.

Since there has been a considerable delay on the part of the Municipality to release the retirement dues of the petitioner, the Municipality will take steps for releasing provisional gratuity to the petitioner within a period of three months from the date of communication of a copy of this order. The amount of provisional gratuity that will be paid to the petitioner shall be adjusted from the final gratuity amount, which the petitioner is entitled to receive.

Copy of the Memo dated 31st December 2020 issued by the Chairperson, Board of Administrators, Champdany Municipality is retained with the records.

WPA 11874 of 2020 is thus disposed of.

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

(Amrita Sinha, J.)