

Sl. No.10
16.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 305 of 2022

Amal Kumar Mishra
Versus
The State of West Bengal & Ors.

Mr. Kamal Krishna Manna
... for the Petitioner
Mr. Biswabrata Basu Mallick
Mr. Raja Saha
... for the State

The petitioner is a retired employee of the Purulia Municipality. He retired on attaining his normal age of superannuation on 31st October, 2019. Pension Payment Order was issued in favour of the petitioner on 19th February, 2021.

The petitioner alleges that he received partial payment of gratuity and he is entitled to the balance amount of gratuity amounting to Rs.5,56,750/- with interest and also balance pension payment amount of Rs.82,173/-. The total amount that is due to the petitioner is Rs.6,38,923/-.

The petitioner prays for a direction upon the Purulia Municipality to disburse the amount that is due and payable to him on account of his terminal benefits.

None appears on behalf of the Purulia Municipality despite service.

Affidavit of service filed in court is taken with the record.

As it appears that the pension payment order has already been issued in favour of the petitioner and partial payment has been made, the Municipality is duty bound to pay the balance amount to the petitioner along with interest.

The writ petition is accordingly disposed of by directing the Purulia Municipality to disburse the balance payment of Rs.6,38,923/- to the petitioner along with interest @6% per annum on and from the date the balance amount fell due, till the date of actual payment. The payment shall be positively disbursed within a period of three months from the date of communication of this order.

In the event, the due is not cleared within the time as specified hereinabove, the petitioner shall be entitled to an additional interest of two percent per annum over and above the aforesaid interest of six percent i.e, (6% +2%=8%) till the date the amount is credited in favour of the petitioner.

The writ petition 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.)

