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21.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2912 of 2022

**Gangadhar Mukherjee @ Gandhar
Mukhopadhyay
-versus
The State of West Bengal & Ors.**

**Mr. Partha Sarkar,
Mr. Abhijit Basu.
...For the Petitioner.**

**Mr. Biswabrata Basu Mallick,
Mr. Sayon Ganguly.
...For the State.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder.
...For the Durgapur Municipal
Corporation.**

The petitioner has retired from service on 31st January, 2017. He is yet to receive his terminal benefits in full as his appointment in the post of Attendant on 7th August, 2006 has not been approved.

The petitioner submits that he was serving in the department since 1988 when he was initially selected as 'Part time Dresser' under the Durgapur Notified Area Authority on consolidated pay from the list of candidates sponsored by the Employment Officer, Sub-Regional Employment Exchange, Durgapur.

Thereafter the petitioner was appointed in the regular scale of pay in the post of 'Attendant' against the vacant sanctioned post on and from 7th August,

2006. He was promoted to the post of Health Assistant in March 2010.

Series of letters were written by the Corporation to the Director of Local Bodies for post facto approval of the appointment of the petitioner in the post of 'Attendant' but because of the non-approval of the appointment of the petitioner as 'Attendant', the petitioner is yet to receive his terminal benefits in full.

The service of the petitioner in the promotional post has been approved but the approval in the initial post is still pending.

Durgapur Municipal Corporation has made a further communication on 13th September, 2022 requesting the Special Secretary, Urban Development and Municipal Affairs Department to take immediate steps for issuance of post facto approval to the initial appointment of the petitioner so that he can avail all the pensionary benefits.

It appears that the employer i.e, Durgapur Municipal Corporation has already forwarded the documents of the petitioner for according post facto approval to his initial appointment and presently the same is pending before the Special Secretary, Urban Development and Municipal Affairs Department.

Learned advocate appearing for the State respondents submits that the post facto approval of the petitioner is getting delayed on account of non-forwarding the relevant documents of the petitioner by the employer.

The said contention is denied by the learned advocate appearing for the Durgapur Municipal Corporation.

The employee who has retired from service way back in January 2017 ought not to suffer on account of the alleged tussle between the State Government and the employer.

It is the duty of the respondent authorities to take a positive approach so that the employee receives his due at the earliest.

It is expected that the respondent authorities shall do the needful to ensure that the terminal benefits of the petitioner are released positively within 30th December, 2022.

The petitioner shall render all necessary co-operation to the respondent authorities as and when required to do so.

Report filed by the Durgapur Municipal Corporation in Court today is taken on record.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)