

02
22.11.2022
d.p.

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

W.P.A 5407 of 2022

**Prasanta Kumar Mukherjee
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Apratim Bhattacharya,
Mr. Arpan Guha.
...For the Petitioner.**

**Mr. Alope Kumar Ghosh,
Mr. Arijit Dey.
...For KMC.**

In compliance of the direction passed by this Court on 19th September, 2022, a report in the form of affidavit has been filed by the Chief Manager (Personnel) of the Kolkata Municipal Corporation.

The order of the Municipal Commissioner and the Disciplinary Authority dated 1st November, 2022 is annexed with the said report.

It appears therefrom that the departmental proceeding against the petitioner has been dropped. The period spent by him under suspension has been treated as 'dies-non'.

It is recorded that the petitioner will not get anything more than what he actually received during the period of suspension.

A further report signed by the Assistant Manager (Pension Cell), Kolkata Municipal Corporation on 16th November, 2022 mentions that 75% of basic pension has been paid. Provisional pension with effect from 1st November, 2001 till October 2022 is disbursed.

Learned advocate appearing for the petitioner submits that his client is yet to receive the aforesaid amount.

As it appears that the disciplinary authority has already dropped the proceeding and treated the period of suspension as 'dies-non', the concerned officer of the Kolkata Municipal Corporation is directed to pay the entire legal dues of the petitioner at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The authority is directed to intimate the petitioner the formalities that he is required to comply for disbursing his dues. The petitioner shall take prompt steps to comply the formalities as indicated to him.

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.)