

20
23.09.2022
d.p.

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

W.P.A 5862 of 2022

**Subrata Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Arunava Ghosh,
Mr. Dwaipayan Sengupta,
Mr. Ravi Kumar Debey,
Ms. Pranati Das.
...For the Petitioner.**

**Mr. Dipankar Mandal,
Mr. Abdul Aziz Mondal.
...For the Municipality.**

**Mr. Biswabrata Basu Mallick,
Mr. Sayak Chakraborty.
...For the State.**

The petitioner is a retired employee of the Chakdaha Municipality. After his retirement, the petitioner has been paid the amount on account of provident fund but the gratuity and pension is still due and payable allegedly on account of non-approval of the service of the petitioner.

Learned advocate appearing for the petitioner submits that the petitioner was appointed against a sanctioned vacant post.

The Chakdaha Municipality made several representations before the Director of Local Bodies seeking post facto approval of the service of the petitioner. The same has not been accorded till date.

No reason has been put forward by the Director of Local Bodies for not according the post facto approval of the service of the petitioner.

As it appears that the petitioner has retired from service on 31st July, 2022 and is yet to be paid his terminal benefits, accordingly, the Director of Local Bodies is directed to take a decision with regard to the prayer of the petitioner for grant of terminal benefits in accordance with law at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. The Director of Local Bodies shall communicate the reasoned order to the petitioner immediately thereafter.

The Director of Local Bodies shall afford an opportunity of hearing to the petitioner and the representative of the Municipality prior to passing a final order in the matter.

The petitioner will be entitled to rely upon all documents including judgments passed by this Court and the Hon'ble Supreme Court in his favour at the time of hearing.

Learned advocate appearing for the petitioner is directed to forward to the aforesaid respondent the correspondences made between the Municipality and the Director of Local Bodies and the documents in support of the claim of the petitioner for grant of terminal benefits at the time of communicating the order of the Court.

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.)