

Item No. 72

05.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 12082 of 2022

Minati Pal
v.
The State of West Bengal & Ors.

Mr. Kumaresh Dalal
... for the petitioner.

Ms. Sudipa Ray
Mr. P. Goswami
... for the State.

The petitioner is the widow of a deceased employee of Naihati Municipality. She claims certain terminal benefits which are due to her on account of the death of her husband.

The petitioner approached this Court earlier by filing writ petition being WP 21111(W) of 2013 and the same was disposed of on September 16, 2013 by directing the respondent Municipality to disburse the benefits in favour of the petitioner along with interest @ 6% per annum from the date of issuance of the Pension Payment Order (PPO) upto the date of payment thereof.

Learned advocate for the petitioner submits that the direction passed by the Court is yet to be complied with. Though, a part of the payment has been made in favour of the petitioner but there is still some amount which is due and payable to the petitioner.

The petitioner filed a representation before the Chairman, Naihati Municipality on May 17, 2022 and alleges that the same has not been taken up for consideration till date.

None appears on behalf of the Municipality despite service.

Affidavit-of-service filed in Court today be kept on record.

As it appears that the Court in the earlier occasion has already passed order way back in September 2013 for releasing the terminal benefits in favour of the petitioner along with interest, accordingly, the Municipality is duty bound to comply the said direction.

The petitioner has made a detailed representation in May 2022 giving the facts and figures and the amount that is due and payable to her.

The Municipality is directed to consider the said representation strictly in accordance with law and in terms of the direction passed by the Court on September 16, 2013 and pass a reasoned order in the matter at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

The aforesaid respondent shall communicate the reasoned order to the petitioner immediately thereafter.

The Municipality shall take all efforts to ensure that all payments that is due and payable to the

petitioner be cleared at the earliest but positively within a period of six months from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)