

Item No. 77

05.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13149 of 2022

Sri Susanta Samui

v.

The Baidyabati Municipality & Ors.

Mr. Partha Sarkar

Mr. Abhijit Basu

... for the petitioner.

Mr. Basudeb Gayen

... for the Municipality.

The petitioner is a retired employee of the Baidyabati Municipality who retired from service on attaining his normal age of superannuation on December 31, 2021.

He alleges that he has not been paid his terminal benefits.

The petitioner relies upon an order passed in favour of employees who were appointed by the Municipality on the basis of the communication dated November 20, 2017 issued by the Chairman of the Municipality to the Director of Local Bodies.

It appears that in one of the writ petitions filed by a retired employee, the matter travelled up to the Hon'ble Supreme Court and the Hon'ble Supreme Court was pleased to affirm the order passed by the learned

Single Judge of this Court directing the Municipality to take steps to disburse the dues of the retired employee.

Though, the learned advocate representing the Municipality seeks time to file affidavit in the matter but it appears from the submissions made on behalf of the parties that the issue in question has already been put at rest by the order passed by the Hon'ble Supreme Court in the matter of ***The Baidyabati Municipality & Ors. v. Sri Swapan Chatterjee & Anr.***, in ***Special Leave to Appeal (C) No(s). 7254/2022***.

Accordingly, the Court is of the opinion that instead of keeping the matter pending, the same may be disposed of in the line of the order passed in the matter of Swapan Chatterjee (supra).

The Municipality is directed to process the pension papers of the petitioner immediately and to take necessary steps for disbursing provisional pension including gratuity to the petitioner till the final pension is paid to him.

The Municipality shall pay the provisional pension, including gratuity to the petitioner within four weeks from date.

All necessary pension papers of the petitioner shall be forwarded to the Director of Pension, Provident Fund & Group Insurance within a period of four weeks from date. The Municipality shall ensure that all the

retirement dues of the petitioner is cleared positively latest within a period of six months.

The writ petition stands disposed of.

Affidavit-of-service and the notice of upgradation are kept on record.

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.)