

11.2.2022
Ct. No.19
Sl.no.8
sn

W.P.A. No. 18580 of 2021

Tapan Kumar Das

Vs.

State of West Bengal & Ors.

Mr. Probal Sarkar

....for the petitioner

Mr. Arindam Das

..for the municipality

Learned advocate for the petitioner submits that the retirement benefits of the petitioner, who retired from service some time in 2019 from the Berhampore municipality, have not been paid. It is also submitted by him that the petitioner was appointed against a permanent sanctioned post and continued to serve for 20 years.

Mr. Das, learned advocate for the municipality denies the allegation of the petitioner. It is submitted by him that the petitioner was employed on a casual basis and was paid remuneration from the contingency funds of the municipality. According to him, the petitioner did not satisfy the requirements under the rules for grant of retirement benefits. It appears from the writ petition that the learned advocate for the petitioner has demanded justice from the Director of Local Bodies, Government of West Bengal dated September 24, 2021.

In view of disputed questions raised hereinbefore, the Court is of the opinion that the matter should be relegated to the authorities for a decision.

The writ petition is disposed of with a direction upon the Director of Local Bodies, Government of West Bengal to dispose of the demand of justice dated September 24, 2021 being Annexure P/3 to the writ petition, expeditiously preferably within a period of four months from the date of communication of this order. The petitioner and the municipality shall be heard. A reasoned order shall be passed and communicated to all.

This order shall not be construed as an observation of the Court on the right of the petitioner to be granted retirement benefits. The matter shall be decided on the basis of records and the law applicable.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)