

Court No. 24
24.02.2022
(Item No. 225)
(AB)

C.P.A.N. 632 of 2020
in
W.P.A 1056 of 2020

Rabidas Dutta
vs
Sri Pijush Kumar Poddar & Anr.

Mr. Abhinaba Dan
Mr. Nitish Samanta
..... for the petitioner
Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhandari
..... for Uttarpara Kotrung Municipality

From the affidavit-in-opposition and supplementary affidavit that has been filed by the alleged contemnor it appears that the Municipality has taken a decision and held that the petitioner is entitled to get the revised pension as per ROPA, 2019.

Learned advocate for the petitioner submits that pension is released in his favour but not in accordance with ROPA-2019 but in accordance with ROPA-2009.

Learned advocate for the Municipality submits that the Municipality has communicated the issue to the office of the D.P.P.G. but funds have not yet been released and accordingly the payment to the petitioner cannot be made in accordance with the provisions of ROPA-2019.

Non-availability of funds can hardly be a ground for not paying pension to a retired employee

in accordance with the proper pay scale. The Municipality found the petitioner to be eligible to receive revised pension as per ROPA-2019.

The Municipality is directed to take necessary follow up steps to ensure that the petitioner receives payment in accordance with ROPA-2019 as decided by them.

No further order is required to be passed in the instant contempt application.

The petitioner categorically submits that he is received pension from November, 2021 till February, 2022 as per ROPA-2009. The Municipality shall also take necessary steps for payment of the arrear pension of the petitioner in accordance with ROPA-2019.

The contempt application stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)