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11.04.2023
d.p.

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

W.P.A. 1789 of 2023

**Sri Tapan Adhikary
-versus
The Baidyabati Municipality & Ors.**

**Mr. Partha Sarkar,
Mr. Abhijit Basu.
...For the Petitioner.**

**Mr. Basudeb Gayen.
...For the Municipality.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is a retired employee of the Baidyabati Municipality. He was appointed in service on 5th June, 1991 and he attained his age of superannuation on 30th June, 2019.

The petitioner alleges that after his retirement the Municipality has not paid his retiral dues. The petitioner made several representations requesting disbursement of his terminal dues but none of the representations have been answered by the authority.

He alleges that he has not been paid his terminal benefits and prays for direction upon the Municipality for releasing his terminal dues.

The petitioner relies upon the Memo No. 261/A-28 dated 2nd June, 2011 of the Chairman of the Baidyabati Municipality relating to the proposal for regularization of service of 76 persons who were enjoying scale of pay but working in unsanctioned posts. The name of the petitioner appears against serial no. 11 of the Group-‘D’ post.

Learned advocate appearing for the petitioner submits that several employees from the said list were granted the terminal benefits in compliance of orders passed by this Court from time to time.

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

Since the matter is disposed of without calling for any affidavit, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

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.)