

Item No.37

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.04.2023
Ct-24

WPA 2729 of 2023
Badrul Islam

v.

The State of West Bengal & Ors.

Mr. Lalratan Mondal
... for the petitioner.

Ms. Sipra Mazumdar
Ms. Sangeeta Roy
... for the State.

Mr. Shibasis Chatterjee
... for the Municipality.

The petitioner is a retired employee of Murshidabad Municipality. He retired from service on attaining his normal age of superannuation on September 31, 2015. The Pension Payment Order (PPO) was issued in favour of the petitioner on April 3, 2017.

The grievance of the petitioner is that he has been paid an ad hoc sum of Rs. 1,00,000/- (One lakh) only and he is entitled to the balance amount as mentioned in the PPO. Prayer has also been made for payment of interest on account of the delayed payment of his terminal benefits.

The petitioner is yet to receive the arrear pension amount from the date of his retirement till the date of issuance of the PPO.

Learned advocate representing the Municipality submits, upon instruction that, on account of paucity of

funds the Municipality was not in a position to disburse the entire amount mentioned in the PPO.

The reason put forth by the Municipality for not disbursing the terminal benefit of the petitioner cannot be treated as a valid ground and is, accordingly, not accepted by the Court. It is the duty of the employer to pay the terminal benefits of the employee immediately after retirement or soon thereafter.

In the present case, apart from paying the ad hoc amount of Rs.1,00,000/- (One lakh) and the current pension, the petitioner has not been paid the arrear pension and the balance gratuity amount. The PPO was also issued at a delayed point of time.

In view of the above, the instant writ petition is disposed of by directing the Murshidabad Municipality to take steps for clearing the balance payment of the petitioner in accordance with the PPO dated April 3, 2017 at the earliest but positively within July 31, 2023. Steps shall also be taken to disburse the arrear pension amount within the aforesaid time period.

As payment was made in favour of the petitioner after considerable delay, accordingly, the petitioner shall be entitled to interest.

The Municipality shall pay interest to the petitioner @ 7% per annum to be calculated on the amount due from the date of its accrual till the date of actual payment.

It is made clear that, if the dues of the petitioner are not cleared within the time stipulated hereinabove, then the Municipality will be required to pay additional

interest @ 2% over and above the interest of 7% i.e. $7\%+2\%=9\%$ per annum on the due amount.

It will be open for the Municipality to seek funds from the State Government, in the event the Municipality is still suffering from financial crunch.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)