

Item No.42

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

19.04.2023
Ct-24

WPA 4321 of 2023
Sk. Ali Akbar

v.

The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner.

Mr. Rabindra Narayan Datta
Mr. Suprabhat Bhattacharya
... for the State.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobham Majumder
... for HMC.

The grievance of the petitioner, a retired employee of the Howrah Municipal corporation, is that his pension has been withheld from December 2022 without any communication or intimation served upon him.

Learned advocate representing the Howrah Municipal Corporation submits, upon instruction that, the petitioner retired from service on October 31, 2019. Provisional pension was allowed (Basic Rs. 3,718/- with Relief Rs. 4,648/-) w.e.f. May 2020 under ROPA 2009.

The pension file of the petitioner was forwarded to the DPPG for finalization of pension and the same was approved by the DPPG and PPO issued in September 2021 when the petitioner was allowed full pension amount of Rs. 20,894/- under ROPA 2019 (Basic Rs. 19,800/-+Relief Rs. 594/-+MA Rs. 500/-).

The pension of the petitioner stood withheld w.e.f. December 2022 as per the instruction attached with the PPO for non-submission of the Life Certificate in November 2022.

The Howrah Municipal Corporation will resume pension of the petitioner on submission of the Life Certificate in the prescribed format.

The instruction appended to the PPO clearly mentions that the Life Certificate should be submitted within November each year otherwise the pension/family pension will be withheld from December onwards.

It appears that the pension of the petitioner could not be released for non-submission of the Life Certificate.

The petitioner is directed to submit the Life Certificate in the prescribed format at the earliest.

The Howrah Municipal Corporation shall thereafter take steps to disburse the arrear as well as the current pension of the petitioner in accordance with law.

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.

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(Amrita Sinha, J.)