

WPA 7704 of 2023**Ajay Kumar Das**
vs.
The State of West Bengal & Ors.

Mr. Bakshi Shaw
...for the petitioner

Mr. Suman Basu
...for the Municipality

Mr. Srinath Singha Roy
...for the State

The petitioner was a permanent employee of Chandannagar Municipal Corporation. He was appointed on April 26, 1990 as a clerk. The petitioner was superannuated from his service on July 31, 2020. By a Provisional Order dated August 6, 2020, the petitioner's provisional pension with effect from August 1, 2020 was paid at the monthly rate of Rs. 3560/-. Provisional gratuity to the tune of Rs.1,82,500/- was disbursed to the petitioner. Thereafter, by another provisional order dated September 27, 2021, the provisional pension of the petitioner was enhanced to Rs.9650/- with effect from August 1, 2020. Furthermore, it was stipulated that the petitioner was entitled to receive provisional gratuity of Rs.2,89,500/-.

Finally, by an order dated January 27, 2022, the petitioner's pension was fixed at Rs. 20,379/- and the final retiring gratuity was fixed at Rs.5,79,000/-.

A Pension Payment Order (PPO) dated January 25, 2022 was sent by the employer/pension sanctioning authority/Commissioner, Chandannagar Municipal Corporation to the Directorate of Pension, Provident Fund and Group Insurance.

Mr. Shaw, learned counsel appearing on behalf of the petitioner submits that the petitioner did not receive the arrears of pension from August 1, 2020 till January 27, 2022 at the rate at which the final pension was stipulated in favour of the petitioner. Furthermore, the petitioner did not receive the balance amount of gratuity dues that was stipulated by the final order and reflected in the PPO.

Therefore, he prays for disbursal of arrears of pension along with balance amount of gratuity dues.

He submits that the petitioner received only a sum of Rs.2,89,500/- on account of gratuity whereas he was supposed to receive a sum of Rs.5,79,000/- on the said account.

Both the Municipal Corporation and the State –respondents are represented.

This Court directs the arrears of pension from the month of August 1, 2020 till January 31, 2022 @ released in favour of the petitioner upon calculating the monthly pension of the petitioner @ Rs.20,379/-. The said arrears will be disbursed within 2(two) months from date. The petitioner will be entitled to interest on such sum of arrears @ 6% per annum from August 1, 2020 (the date subsequent to the

date of his retirement) till such time the entire amount is actually disbursed.

Furthermore, the balance sum of gratuity after deducting a sum of Rs.2,89,500/- will be disbursed to the petitioner within 2(two) months from date along with interest @ 6% thereupon with effect from August 1, 2020 till the date of actual disbursement of such pension.

In the event of any default of payment of the gratuity amount within the stipulated period, the petitioner will be entitled to an enhanced interest of 10% per annum as stipulated under the Payment of Gratuity Act, 1972.

With the directions aforesaid, **WPA 7704 of 2023** is **disposed of**.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)