

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

WPA 8417 of 2023

**Rabi Hazra
-versus
The State of West Bengal & Ors**

Mr. Sk. Kiran

...For the petitioner.

Mr. Subrata Ghosh

... For the Municipality.

Mr. Pinaki Dhole

Md. Ziaul Rahaman

... for the State.

The terminal benefits of the deceased wife of the petitioner in terms of the Pension Payment Order dated 16th May, 2013 are yet to be released.

The petitioner prays for releasing the death-cum-retirement gratuity of the petitioner's wife amounting to Rs. 1,77,863/- and the balance arrear pension.

The terminal benefits enhanced under ROPA 2019 are also due and payable to the petitioner.

As it appears that the Pension Payment Order was issued in favour of the employee, accordingly, the respondents are duty bound to release the amount as mentioned in the Pension Payment Order.

It is highly improper and illegal not to disburse the amount mentioned in the Pension Payment Order, even after nine years of issuance of the same.

In view of the above, the Murshidabad Municipality is directed to take steps for honouring the Pension Payment Order issued in favour of the employee at the earliest but positively within a period of

four months from the date of communication of this order.

The petitioner will be entitled to receive arrear pension that is due and payable.

As the amount will be disbursed in favour of the petitioner after a long delay, the petitioner shall be entitled to interest on the amount due.

The Municipality shall be bound to pay interest to the petitioner at the rate of 6% per annum on the due amount calculated from the date it fell due till the date of actual payment.

In the event, the money is not disbursed as specified hereinabove, the petitioner will be entitled additional interest of 2% that is $(6\%+2\%)= 8\%$ on and from the due date till the date of its actual payment.

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.)