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10.10.2023
d.p.

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

W.P.A. 8846 of 2023

**Sasanka Sekhar Karmakar
-versus
The State of West Bengal & Ors.**

**Mr. Sankar Biswas,
Ms. Ananya Adhikary.
...For the Petitioner.**

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 13th December, 1995 and he attained his age of superannuation on 28th February, 2017.

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. 2315/DLB/3-GM-2/92 dated 2nd December, 2005 for

post 92 casual workers by the Chairman of the Baidyabati Municipality relating to the proposal for regularization of service of 16 persons who were enjoying scale of pay but working in unsanctioned posts. The name of the petitioner appears against serial no. 07 of the Group-'D' post Mali (Mazdoor).

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.

None represents the Municipality.

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 are 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.)