

W.P.A. 8795 of 2015

**Sanjib Kumar Ghosh
Vs.
Kolkata Municipal Corporation & Ors.**

**Mr. Dhanbanjay Banerjee
Ms. Oindrila Ghosh
....for the petitioner**

**Mr. Swapan Kr. Debnath
Mr. Gopal Ch. Das
...for the KMC**

In spite of service of notice upon the respondent no. 4 she remains unrepresented today. From affidavit-of-service filed on behalf of the petitioner previously it appears that notice was served upon the respondent no. 4 which she received on 2nd May, 2023 and another notice was served upon the respondent no. 4 on 21st April, 2023.

The writ petition has been instituted by the petitioner who is retired employee of Kolkata Municipal Corporation (in short, KMC) who superannuated on 31st January, 2015. After superannuation all other superannuation benefits were released in favour of the petitioner save and except pension and gratuity and the pensionary benefits were released to the petitioner pursuant to the order dated 13th January, 2016 passed by coordinate bench on this writ petition. While giving direction upon the KMC authority to release pensionary benefits the coordinate Bench directed the employer to

process the claim of gratuity which was to be released in favour of the petitioner but it was further directed that the same would not be released till the next date of hearing of the petition and the matter was fixed for further consideration on 28th January, 2016.

The learned advocate representing the parties today have apprised jointly that pursuant to the order dated 13th January, 2016 pensionary benefits have been released in favour of the petitioner and the petitioner is in receipt of monthly pension regularly. It has been submitted on behalf of the KMC that at the material point of time just after superannuation of the petitioner gratuity could not be released since certain documents were required to be executed jointly by the petitioner and his wife and these formalities could not be made complete in view of non-cooperation by the respondent no. 4.

Today, Court is considering release of gratuity in favour of the petitioner who is retired employee of KMC and it is also settled position that during life time of the retired employee he is entitled to receive gratuity amount; question of releasing gratuity in favour of heirs of the employee arises after demise of the employee concerned. That is not the case in the present writ petition.

This Court has made endeavor to hear the respondent no. 4 and accordingly notice was served upon her but she chose not to appear before this Court. It has

been submitted by the learned advocate representing the KMC that gratuity amount is lying due and the claim of the petitioner towards gratuity has duly been processed. KMC is awaiting necessary direction from this Court.

In view of aforesaid scenario this Court directs the concerned authority of KMC to release gratuity in favour of the petitioner within a period of 4 (four) weeks from the date of communication of this order upon compliance of necessary formalities.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)