

03.02.2023
Item No.11
Court No.6.
S. De

**FMA 1262 of 2021
With
I.A. No. CAN/1/2021
I.A. No. CAN/2/2021
(CAN 1 of 2021 not in file)**

**The Administrators, Berhampore Municipality &
Sub-Divisional Officer & Anr.
Vs
Nisi @ Nishi Prodhan & Ors.**

Mr. Probal Sarkar,
...for the writ petitioner/respondents.
Mr. Arindam Das,
Ms. Rumeli Sarkar,
...for the Berhampore Municipality.

In re : I.A. No. CAN 2 of 2021.

This is an application for condonation of delay of 317 days in filing the appeal. Causes shown being sufficient, the delay is conconded.

I.A. No. CAN 2 of 2021 is, accordingly, disposed of.

In re : I.A. No. CAN 1 of 2021 & FMA 1262 of 2021.

The respondent/writ petitioner whose husband retired from service on August 31, 2010 and died on July 5, 2014, had approached the learned Single Judge with the grievance that upon her husband's retirement as a Group-D employee in the Berhampore

Municipality, his arrear pension and gratuity was not paid.

By the impugned judgment and order dated August 28, 2020, a learned Single Judge directed the payment of arrear pension and gratuity. The direction for payment of gratuity was on the Municipality.

Being aggrieved, the Municipality had preferred this appeal.

Today learned advocate for the respondent/writ petitioner says that the Municipality has already paid the entire gratuity amount that was payable to the writ petitioner.

In that view of the matter, nothing remains in this appeal. The appeal being FMA 1262 of 2021 is, accordingly, disposed of along with the application being I.A. No. CAN 1 of 2021.

It appears that CAN 1 of 2021 is not traceable in the department. Learned advocate for the appellants shall supply a photocopy of that application to our Court Officer by the end of Court hours on February 6, 2023 to be kept with the records.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)