

Item No.57

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.10.2023
Ct-24

WPA 13113 of 2023
Irani Das

v.

The State of West Bengal & Ors.

Mr. Sankar Biswas
Mr. Ananya Adhikary
... for the petitioner.

Mr. Avishek Prasad
... for the State.

The petitioner was appointed as Clerk in the Baidyabati Municipality on 2nd February, 1991. She retired from service on attaining her normal age of superannuation on April 30, 2023.

She alleges that she has not been paid her terminal benefits.

The petitioner relies upon an order passed in favour of employees who were appointed by the Municipality on the basis of the same communication dated November 20, 2017 issued by the Chairman of the Municipality to the Director of Local Bodies.

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 submission made on behalf of the petitioner 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.***

The Court is of the opinion that instead of keeping the matter pending, the same may be disposed of in 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 retirement dues of the petitioner are cleared positively latest within a period of six months.

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.

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(Amrita Sinha, J.)