

Item No. 16

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.10.2023
Ct-24

WPA 14454 of 2023
Gourhari Bera

v.

The State of West Bengal & Ors.

Dr. B. P. Dutta

Mr. S. Thakur

... for the petitioner.

Mr. Raj Sekhar Basu

... for the State.

Mr. Nilanjan Adhikari

... for the respondent nos. 3 to 6.

The petitioner is a retired employee of Contai Municipality. His retiral benefits have not been fully paid by his employer. Arrear pension to the tune of Rs. 1,60,784/- and gratuity to the tune of Rs. 89,800/- is due and payable. The petitioner prays for releasing the aforesaid dues along with interest.

Learned advocate representing the Contai Municipality admits the dues of the petitioner. It has been submitted that on account of paucity of funds, the payment cannot be made.

Upon hearing the parties and upon perusal of the materials on record it appears that the petitioner retired from service on September 30, 2020. Part payment of his terminal dues has been made. The balance is required to be paid.

More than three years have elapsed from the date of his retirement. The Municipality is liable to release the balance payment in favour of the petitioner at the earliest but positively within a period of four months from the date of communication of this order.

As the money was due to the petitioner long back, accordingly, he will be entitled to receive the same along with interest on the due amount assessed @ 6% per annum on and from the date it fell due till the date of actual payment.

In the event, the aforesaid amount is not disbursed within the time stipulated hereinabove, then the petitioner will be entitled to receive the amount with additional interest of 2% per annum over and above the interest mentioned hereinabove that is $6\%+2\%=8\%$ on and from the due date till the date of 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.

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(Amrita Sinha, J.)