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10.10.2023
A.G.M.

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

W.P.A. 15015 of 2023

**Sri Gour Das
-versus
The Baidyabati Municipality & Ors.**

**Mr. Partha Sarkar,
Mr. Abhijit Basu.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is a retired employee of Baidyabati Municipality. He was appointed in service on 5th June, 1991 and he attained his age of superannuation on 31st March, 2023.

The petitioner alleges that after his retirement the Municipality has not paid his retiral dues including Provident Fund. 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 a Memo dated 01.06.2011 whereby the service of the petitioner was regularized by the Chairman of the Municipality.

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

retirement dues of the petitioner is 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.

(Amrita Sinha, J.)