

94
18.12.2023
d.p.

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

W.P.A 17134 of 2023

**Minati Goswami
-versus
The State of West Bengal & Ors.**

**Mr. Lal Ratan Mondal,
Sk. Kiran.
...For the Petitioner.**

**Mr. Bibekananda Tripathy.
...For the State.**

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

None appears on behalf of the Municipality.

The husband of the petitioner was employed with the Murshidabad Municipality. He died-in-harness on 2nd May, 2017. The Pension Payment Order was issued on 4th April, 2018.

The petitioner has been paid only Rs.25,000/- out of the gross retiring gratuity of Rs.3,65,000/-. Arrear pension amount has also not been paid.

It is the duty of the employer to release terminal benefits in favour of the employees immediately upon retirement. Pension and gratuity have been held to be valuable rights in the hands of retired employees and not bounty to be disbursed at the sweet will and desire of the employer.

The Municipality ought to disburse the amount as mentioned in the Pension Payment Order without keeping the same pending for such a considerable period of time. In the instant case, the employee retired in November 2017 but till date the terminal dues have not been disbursed.

The Municipality is, accordingly, directed to take immediate steps for disbursal of the dues as mentioned in the Pension Payment Order by adjusting the amount that has been already been paid along with the arrear pension at the earliest, but positively within a period of four months from the date of communication of this order.

As the petitioner will be receiving her legal dues after considerable delay, accordingly, the petitioner shall be entitled to receive the said amount along with interest @ 7% per annum calculated on and from the due date till the date of actual payment.

In the event the terminal dues are not cleared by the aforesaid time period, the petitioner shall be entitled to receive 2% additional interest over and above the 7% interest mentioned hereinabove, that is, the petitioner shall be entitled to receive the principal +7% +2% interest on account of the delayed 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.

(Amrita Sinha, J.)