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18.12.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17968 of 2023

**Shyama Kanta Bandyopadhyay
-versus
The State of West Bengal & Ors.**

**Mr. Sanjib Bandyopadhyay.
...For the Petitioner.**

**Mr. Biplab Majumder.
...For the State.**

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

None appears on behalf of the Municipality.

The petitioner is a retired employee of Taki Municipality. He retired from service on 31st July, 2022. Pension Payment Order was issued in his favour on 28th October, 2022.

The grievance of the petitioner is that he is yet to receive the amount as mentioned in the Pension Payment Order. A sum of Rs.6,39,707/- is due and payable to him.

Learned advocate appearing for the State respondents submits that it is the duty and responsibility of the Municipality to disburse the amount as mentioned in the Pension Payment Order.

It appears from the records that the Pension Payment Order was issued in 2022 but the amount indicated in the Pension Payment Order has not been cleared till date. Such stand of the Municipality cannot be accepted.

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.

In the instant case, the employee retired in July 2022 but till date the terminal dues have not been disbursed. The respondents are directed to immediately take steps for clearing the dues of the petitioner at the earliest, but positively within a period of four months from the date of communication of this order along with interest @ 7% p.a. payable on and from the due date till the date of actual payment.

In the event the principal amount along with the interest is not disbursed within the aforesaid time limit, then the petitioner shall be entitled to receive the principal amount along with additional interest @ 3% p.a., that is $7\%+3\%=10\%$ payable on and from the due date till the date of actual payment.

It will be open for the Municipality to seek financial assistance from the State in the event the Municipality is not in a position to clear the entire dues of the petitioner.

Instruction forwarded by the Special Secretary, Government of West Bengal, Department of Urban Development & Municipal Affairs signed on 16th August, 2023 be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)