

Item No.21

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.10.2023
Ct-24

WPA 21108 of 2023
Biswanath Sarkar

v.

The State of West Bengal & Ors.

Mr. Srikanta Datta
... for the petitioner.

Mr. Usaf Ali Dewan
Mr. Asif Dewan
... for the respondent nos. 2, 3 & 4.

Mr. Subhendu Sengupta
... for the State.

The petitioner is a retired employee of Jiaganj-
Azimganj Municipality.

The grievance of the petitioner is that the full
gratuity amount mentioned in the revised Pension
Payment Order (PPO) dated November 4, 2022 has not
been disbursed till date.

Learned advocate representing the Municipality
submits, upon instruction that, the said money could
not be disbursed on account of paucity of funds of the
Municipality. The Court is not inclined to accept the
contention put forth by the Municipality for not paying
the revised terminal benefits of the retired employee. The
employer is bound to pay the employee the terminal
benefits in accordance with the PPO issued in his favour.

The Municipality is directed to release the payment in favour of the petitioner positively by January 31, 2024.

As the amount was payable to the petitioner immediately upon issuance of the PPO but the petitioner is yet to receive the same, accordingly, the Municipality shall pay interest @ 7% per annum on the amount due on and from the due date till the date of actual payment. In the event, the payment is not made within the time stipulated hereinabove the petitioner will be entitled to an additional interest @ 2% i.e. $7\%+2\%=9\%$ interest on the due amount.

The writ petition stands disposed of.

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

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.)