

Item No. 19

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

4.01.2023
Ct-24

WPA 22774 of 2022
Sumit Kumar Sen

v.

The State of West Bengal & Ors.

Mr. Soumya Majumder
Ms. Sanjukta Dutta
... for the petitioner.

Mr. Swapan Kumar Mazumder
Mr. Saptarshi Majumder
... for the respondent nos. 2 & 3.

Mr. Jaharlal De
Mr. Rudranil De
... for the State.

The petitioner was an employee of Nabadwip Municipality. He retired from service on attaining his normal age of superannuation on March 31, 2019. After several rounds of litigations, the petitioner was able to get his terminal benefits disbursed.

The grievance of the petitioner is that he is receiving the benefits in accordance with ROPA 2009 but he is entitled to receive the benefits in terms of ROPA 2019.

The petitioner relies upon the revised Pension Payment Order issued in favour of one Nepal Debnath, a retired employee of Nabadwip Municipality who retired on the selfsame date as that of the petitioner and is being granted pension in accordance with ROPA 2019.

The representation filed by the petitioner seeking release of the revised pension in terms of ROPA 2019

and other arrears along with interest is pending consideration before the Chairman, Nabadwip Municipality.

Learned advocate representing the Nabadwip Municipality submits that the petitioner is not eligible for receiving revised pension under ROPA 2019.

No explanation, however, has been forwarded as to how and why other employee of the Municipality, who retired on the selfsame date as that of the petitioner, is being paid pension in accordance with ROPA 2019.

Learned advocate representing the State respondents submits that steps shall be taken in the matter as and when requisition is forwarded by the Municipality, being the employer of the petitioner, supported by relevant documents.

The petitioner relies upon an unreported order dated December 17, 2020 passed by this Court in WPA 9640 of 2020 (Sushanta Kumar Mitra v. The State of West Bengal & Ors.) wherein, the respondent authority was directed to take steps to process the pension papers of the petitioner. The said Sushanta Kumar Mitra (supra) was a retired employee of the said Nabadwip Municipality.

It has been submitted that in compliance of the order passed by the Court, pension has duly been released in favour of Sushanta Kumar Mitra.

Upon hearing the submissions made on behalf of all the parties it appears that the claim of the petitioner for releasing revised pension along with other arrears in accordance with ROPA 2019 with interest is pending

consideration at the end of the Chairman of the Municipality.

In view of the above, the Chairman, Nabadwip Municipality is directed to take steps for consideration of the prayer of the petitioner for release of his dues as highlighted in his representations dated September 7, 2022.

The Chairman shall also take into consideration the prayer of the petitioner for releasing ex-gratia and bonus in terms of the subsequent Government Orders dated May 19, 2020 and May 12, 2021.

The Chairman shall also consider the prayer of the petitioner for grant of interest on account of delayed payment of his terminal benefits.

The Chairman of the Municipality, if required, may afford an opportunity of hearing to the petitioner or his authorized representative to submit necessary documents in support of his claim.

The petitioner shall be entitled to rely upon documents in respect of similar circumstanced persons of the said Municipality in support of his prayer.

A decision shall be taken by the Chairman of the Municipality in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

If the Chairman is of the opinion that the petitioner will be entitled to the reliefs as prayed for, then necessary consequential steps shall be taken by the Chairman at the earliest.

Learned advocate for the petitioner is directed to forward copy of the representations dated September 7, 2022 and the Government Orders dated May 19, 2020 and May 12, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

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.)