

19
18.10.2023
d.p.

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

W.P.A 24794 of 2023

**Sankari Bhattacharjee & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar
...For the petitioners.**

**Mr. Birendra Kumar Jha.
...For the State.**

**Mr. Saugata Mitra,
Ms. Soma Chakraborty.
...For the Municipality.**

The petitioners are the heirs and legal representatives of late Animesh Bhattacharjee who was an employee of Purulia Municipality. The employee retired on attaining his normal age of superannuation on 31st August, 2017 and he died on 3rd June, 2018. Revised Pension Payment Order was issued in the name of the employee on 11th February, 2022.

The petitioners allege that they are entitled to Rs.3,65,000/- on account of gratuity, Rs.4,29,125/- on account of arrear pension. The total amount due is Rs.7,94,125/-.

The petitioner prays for a direction upon the Purulia Municipality to disburse the amount that is due

and payable to them on account of terminal benefits of the deceased employee.

Learned advocate appearing for the Municipality submits, upon instructions, that on account of severe paucity of funds, the terminal dues of the employees cannot be disbursed. Only when fund is provided by the State Government, the dues of the employee can be cleared.

The Court does not accept the submission put forth by the Municipality for not paying the dues of the retired employee. The employer, i.e the Purulila Municipality ought to take steps for payment of the terminal benefits of its employees immediately upon retirement.

It appears that the pension payment order has already been issued in favour of the employee, accordingly, the Municipality is duty bound to pay the due amount to the legal heirs of the deceased employee along with interest.

The writ petition is, accordingly, disposed of by directing the Purulia Municipality to disburse the dues of the deceased employee along with interest @6% per annum calculated on and from the due date till the date of actual payment. The payment shall be positively disbursed within a period of three months from the date of communication of this order.

In the event, the due is not cleared within the time as specified hereinabove, the petitioners shall be entitled to an additional interest of two percent per annum over and above the aforesaid interest of six

percent, i.e. (6%+2%=8%) till the date the due amount is credited in favour of the petitioners.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken with the record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)