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18.10.2023
d.p.

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

W.P.A 24825 of 2023

**Dipak Kumar Sarkar
-versus
The State of West Bengal & Ors.**

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

**Mr. Bhakti Prasad Das.
...For the State.**

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

The petitioner is a retired employee of the Purulia Municipality. He retired on attaining his normal age of superannuation on 31st May, 2021. Pension Payment Order was issued in favour of the petitioner on 22nd June, 2023.

The petitioner alleges that he received partial payment of gratuity and he is entitled to the balance amount of gratuity amounting to Rs.5,79,000/- with interest and also balance pension payment amount of Rs.2,69,823/- The total amount that is due to the petitioner is Rs.8,48,823/-.

The petitioner prays for a direction upon the Purulia Municipality to disburse the amount that is due and payable to him on account of his terminal benefits.

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 petitioner 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.

As it appears that the pension payment order has already been issued in favour of the petitioner, the Municipality is duty bound to pay the due amount to the petitioner along with interest.

The writ petition is, accordingly, disposed of by directing the Purulia Municipality to disburse the dues of the petitioner 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 petitioner 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 petitioner.

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.)