

30-08-2023
Court No.2
Sh/16.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1472 of 2023

Kalu Bahadur Chhtri.. .Petitioner.

Mr. Deborshi Dhar.

..For the Petitioner.

Mr. Hirak Brman.

For the State.

Mr. Bikash Singha.

For the Kalimpong Municipality.

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

The petitioner contends that he retired as an employee of Kalimpong Municipality. On April 30, 2020 the Pension Payment Order was also issued in his favour (**Annexure P-2 at page 23 to the writ petition**) The petitioner had been receiving pension in terms thereof but suddenly the Municipal Authorities have stopped paying pension to the petitioner since march 2022.

Mr. Deborshi Dhar, learned counsel appearing for the petitioner referring to a representation **dated May 22, 2023 (part of Annexure P-3 at page 27 to the writ petition)** submits that the representation was made on behalf of the petitioner through its advocate addressed, inter alia, to the Secretary, Municipal Affairs and Urban Development Department, State of West Bengal but the same has not yet received any attention.

Mr. Bikash Singha, learned advocate appears for the Kalimpong Municipal Corporation.

Mr. Hirak Barman, learned counsel appears for the State.

Considering the submissions made on behalf of the parties and considering the materials on record to sub-serve justice **the Secretary, Municipal Affairs and Urban Development Department, State of West Bengal** shall consider the representation made on behalf of the petitioner dated **May, 22, 2023 at page 27 to the writ petition** upon issuing a **prior hearing notice of least 7 days** to the petitioner and after giving him an opportunity of hearing either by himself or through his authorized representative shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the concerned Secretary positively within a period of six weeks from the date of communication of this order. The concerned Secretary shall then communicate his reasoned order to the petitioner positively within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points it wishes to urge and rely upon whatever records and documents it wishes to rely upon before the Secretary, but the same shall not travel beyond the scope of the representation dated May 22, 2023.

It is also made clear that in the event it is found in the reasoned order that payment of pension was stopped by the relevant Municipality without any authority of law then the respondent no.4 through its appropriate authority and the respondent no.3 shall take all necessary consequential step for making payment of pension regularly to the petitioner without any interruption and the payment must commence positively within a period of one week from the date of communication of the reasoned order to the respondent no.4. **The arrear since March 1, 2022 must and shall be paid to the petitioner at one go along with interest at the rate of 10 per cent per annum till the date when the payment shall be made actually to the petitioner.**

In the event the reasoned order goes in favour of the petitioner, such arrear shall also have to be paid within the said period of one week as directed above.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this **Writ Petition being WPA 1472 of 2023** stands **disposed of** without any order as to costs.

(ANIRUDDHA ROY,J.)

