

04
19.02.2024
d.p.

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

W.P.A 444 of 2024

**Subhra Bose
-versus
The State of West Bengal & Ors.**

**Dr. B.P. Dutta,
Mr. Sudhakar Thakur.
...For the Petitioner.**

**Mr. Somraj Dhar.
...For the State.**

**Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari,
Ms. Puja Dutta.
...For the Respondent
Nos. 3 to 5.**

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

The petitioner is a retired employee of Contai Municipality. A sum of Rs.1,91,875/- is due and payable to the petitioner on account of terminal benefit.

Learned advocate appearing for the Municipality submits that the entire terminal benefit of the petitioner could not be paid on account of financial crisis of the Municipality. Time has been sought within which the payment may be made.

The reason attributed by the Municipality for not paying the terminal benefit of a retired employee cannot be accepted by the Court. Terminal benefit is not any

bounty which is to be given to the retired employee as per the whim and desire of the employer. The employer ought to release the terminal benefit of the retired employee immediately upon retirement.

As there has been delay in making payment, the Municipality will be liable to pay the balance amount of terminal benefit with interest @7% per annum calculated from the date it fell due till the date of actual payment.

Payment will be made within eight weeks from the date of communication of the order.

In the event, the money is not disbursed as specified hereinabove, the petitioner will be entitled additional interest of 2% that is $(7\%+2\%)=9\%$ on and from the due date till the date of its actual payment.

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.

(Amrita Sinha, J.)