

154. 11.03.2024
bd. Ct.15

W.P.A. 802 of 2018

Manashi Ghosh & Ors.

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Pankaj Halder
Mr. Durbadal Sen
Mr. Samarjit Balial
Mr. Neelabha Bera ... for the petitioners.

Mr. Alak Kumar Ghosh
Mr. Arijit Dey ... for the KMC.

Heirs of deceased employee are the substituted petitioners in the writ petition claiming release of terminal benefits in view of death of the employee of Kolkata Municipal Corporation. The employee retired on 31st October, 2001 and thereafter he died on 14th July, 2022. In support of the contention of the substituted petitioners notice of this Court has been drawn to order dated 18th January, 2002 passed by Barin Ghosh, J. (as His Lordship then was) directing the concerned respondent authorities to settle retiral dues in accordance with law as quickly as possible on the basis of pay to which petitioner was entitled and subject to compliance of all formalities which are required to be complied with by the petitioners.

Mr. Ghosh, learned advocate representing the Kolkata Municipal Corporation submits since the employee has died the wife of the deceased employee has to take necessary steps for compliance of formalities in order to settle terminal benefits in favour of the heirs of the employee and

release of family pension in favour of the widow. It is also submitted on behalf of Kolkata Municipal Corporation that an application is required to be made by the widow to Chief Manager (Pension) of Kolkata Municipal Corporation for taking necessary steps in order to release the benefits in favour of the petitioners.

In view of the submissions made on behalf of the parties and taking note of the order passed by the coordinate Bench on 18th January, 2002 the writ petition stands disposed of by directing the petitioner no. 1(a) to make an application to the Chief Manager (Pension), Kolkata Municipal Corporation by fortnight from date claiming release of family pension and other terminal benefits. If the application is made by the petitioner no. 1(a) within the aforesaid time the concerned authority of Kolkata Municipal Corporation is directed to take expeditious steps for settlement of dues in favour of the petitioners and for release of family pension in favour of the petitioner no. 1(a). On receipt of application from petitioner no. 1(a) the concerned authority of Kolkata Municipal Corporation is directed to complete the exercise upon compliance of formalities within a period of eight weeks thereafter and release the dues in favour of the petitioners.

Leave is granted to the learned advocate representing the petitioners to amend the cause-title in course of this day and add Chief Manager (Pension), Kolkata Municipal Corporation as additional respondent.

However, service of notice upon the additional respondent stands dispensed with since Kolkata Municipal Corporation is represented by learned advocates.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)