

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2184 of 2023
Srilekha Roy
-versus
The State of West Bengal & Ors.

Mr. Sudeep Sanyal
Mr. Dibashis Basu
Mr. Arun Banerjee
Mr. Chandrachur Lahiri
... for the petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Choudhury
... for respondent no. 5 to 7.

Mr. Debjit Mukherjee
Ms. Oindrila Chatterjee
... for State.

The petitioner was appointed on compassionate ground by the order of the Director of Local Bodies & Ex-Officio Joint Secretary to the Government of West Bengal vide communication dated April 3, 2008.

The petitioner retired from service on attaining her normal age of superannuation on July 31, 2020. She is yet to receive her terminal dues.

Communications by and between the Director of Pension, Provident Fund and Group Insurance and the Municipality have been annexed to the writ petition wherefrom it appears that certain documents in respect of the petitioner were required from the office of the Municipality.

- I) Copy of the Technical Qualification Certificate of the petitioner &
- II) The no liability certificate issued in favour of the petitioner by the Municipality.

The no liability certificate has been issued by the Municipality but the technical qualification certificate of the petitioner is not available.

It has been submitted by the petitioner that at the time of initial appointment in the year 2008 she was never directed to file any technical education certificate. The petitioner was never intimated to obtain technical education. The petitioner does not have a technical education certificate as she claims that she was not aware that technical education was required for being appointed as Pump Operator.

The Municipality has enjoyed the service of the petitioner from the year 2008 till her retirement in 2020. Never ever did the Municipality require the petitioner to file or obtain the technical qualification. After the petitioner retired from service she has been directed to produce the technical qualification certificate. Admittedly, she does not possess the same.

After serving the Municipality for such a considerable period of time, the respondent authorities cannot stand in the way of disbursing the terminal dues of the petitioner on account of non-production of the technical qualification certificate, particularly because she was never directed to produce the said certificate at the time of her initial appointment or at any point of time during which she was in service. It is practically impossible for the petitioner to obtain a technical qualification certificate after her retirement.

In view of the above, the Municipality and the Director of Pension, Provident Fund & Group Insurance are directed to take necessary steps for disbursement of the terminal dues of the petitioner relying upon the qualification certificate(s) which she produced at the

time of her engagement. No new educational certificate can be directed to be produced by the petitioner at this stage.

The respondent authorities are directed to proceed with the pension file of the petitioner and to ensure that all the terminal benefits of the petitioner are released in her favour at the earliest but positively by April 30, 2024.

The writ petition stands disposed of.

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

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)