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03.04.
2024
Ct. No.24

WPA 6720 of 2023

**Sushovan Chandra
Vs
The State of W. B. & Ors.**

**Mr. Tulsidas Maity
Mr. Snehasish Bala
.....For the Petitioner
Mr. Swapan Kr. Mazumdar
Mr. Saptarshi Mazumdar
.....For the Nabadwip Municipality**

The petitioner is a retired employee of Nabadwip Municipality. He retired from service on attaining his normal age of superannuation on 31st July, 2018. Initial pension payment order was issued in his favour on 2nd July, 2018 and revised pension payment order was issued on 1st February, 2021.

Grievance of the petitioner is that the amounts indicated in the pension payment orders have not been disbursed in his favour till date. The amount that is due and payable in his favour has been clearly mentioned in the representation filed by the petitioner before the Chairman of the Municipality in January, 2023.

Learned advocate representing the Municipality submits that due to paucity of fund, total dues of the petitioner cannot be paid. There are several retired employees of the Municipality and till

the Government grants aid to the Municipality, it will not be possible for the Municipality to arrange funds to disburse the terminal dues to the retired employees.

The aforesaid submission of the Municipality that payment of terminal dues cannot be made on account of paucity of funds, cannot be accepted by the Court.

The Municipality is the principal employer of the petitioner. It is the duty of the employer to arrange for funds for payment of the terminal dues of its employee. A retired employee ought not to be deprived of his terminal benefits allegedly on account of paucity of funds at the end of the employer.

In view of the above, the instant writ petition is disposed of by directing the Nabadwip Municipality to clear the terminal dues of the petitioner in accordance with the Pension Payment Orders at the earliest but positively within 31st of July, 2024.

As the petitioner retired from service on 31st July, 2018 and has not received his terminal dues till date, accordingly, the petitioner will be entitled to receive the terminal dues along with interest at the rate of 7% per annum calculated on and from the due date till the date of actual payment.

It is made clear that in the event the aforesaid amount along with interest is not paid within the

stipulated time period, then the petitioner will be entitled to receive the amount with additional interest @ 2%, that is, $7\% + 2\% = 9\%$ on and from the due date till the date of actual payment.

It will be open for the Municipality to seek funds from the State Government to clear the dues of the retired employees, if so advised.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)

