

10-05-2024
Item No.14
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA No.7647 of 2024

Sri Sankar Das @ Shankar Das

-vs-

The Baidyabati Municipality & Ors.

Mr. Partha Sarkar
Mr. Abhijit Basu
Ms. Megha Sarkar ...for the petitioner

Mr. Phatick Chandra Das
Ms. Tithi Paul ...for the municipality

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

The petitioner is a retired employee of Baidyabati Municipality. He was appointed in service on 5th June 1991 and he attained his age of superannuation on 31st December 2023.

The petitioner alleges that after his retirement the municipality has not paid his retirement dues including his provident fund. He made several representations requesting disbursement of his terminal dues, but none of the representations has been answered by the concerned authority.

He prays for direction upon the municipality for releasing his terminal dues.

The petitioner relies upon a Memo No.261/A-28 dated June 2, 2011 whereby the service of the petitioner was regularized by the Chairman of the municipality.

It appears that in one of the writ petitions filed by

a retired employee, the matter travelled up to the Hon'ble Supreme Court and the Honble apex court was pleased to affirm the order passed by the learned single Judge of this court directing the municipality to take steps to disburse the dues of the retired employee.

It appears from the submissions made on behalf of the parties that the issue in question has already been put at rest by the order passed by the Hon'ble Supreme Court in the case of The **Baidyabati Municipality & Ors. v. Sri Swapan Chatterjee & Anr.** in **Special Leave to Appeal (C) No(s). 7254/2022.**

Accordingly, the court is of the opinion that instead of keeping the matter pending, the same may be disposed of in the line of the order passed in the matter of **Swapan Chatterjee** (supra).

The municipality is directed to process the pension papers of the petitioner immediately and to take necessary steps for disbursing provisional pension including gratuity to the petitioner till the final pension is paid to him.

The municipality shall pay the provisional pension, including gratuity to the petitioner within four weeks from date.

All necessary pension papers of the petitioner shall be forwarded to the Director of Pension, Provident Fund & Group Insurance, West Bengal within a period of four weeks from date.

The municipality shall ensure that all the retirement dues of the petitioner are cleared positively latest within a period of six months.

The writ petition stands disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]