

W.P.A. 6281 of 2019

**Khelari Hela & Anr. (Lakhia Hela since deceased)
Vs.
The State of West Bengal & Ors.**

**Mr. Sankar Biswas
Ms. Ananya Adhikary**

...for the petitioners

Mr. Suman Basu

...for the Garulia Municipality

Mr. Debnath Mahata

...for the respondent no. 6

Substituted petitioners are the son and daughter of an employee of Garulia Municipality who retired on superannuation on 30th June, 2012 and subsequently died on 21st January, 2022.

It has been submitted by the learned advocate representing the substituted petitioners that after superannuation of their mother on 30th June, 2012 during her lifetime arrear pension and gratuity was not released. Petitioners being the heirs of the deceased employee are praying for direction for expeditious release of retiral dues.

Learned advocate representing the municipality submits that the tenure of service of the mother of the petitioners fell short of qualifying service of 10 years as a result whereof retiral dues could not be released in favour of the deceased employee. It is also submitted that

unless a decision is taken by the Director of Local Bodies granting retiral benefits in favour of the petitioners in view of death of deceased employee municipality cannot process the claim of the substituted petitioners.

Having considered the submissions made on behalf of the parties Court directs the Director of Local Bodies being respondent no. 2 to take decision on the claim of the substituted petitioners which has been laid for release of retiral dues in view of death of their mother who was an approved employee of Garulia Municipality within a period of 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioners or their representative and the representative of Garulia Municipality.

At the time of making deliberations before the respondent no. 2 the parties shall be at liberty to rely upon necessary documents including the orders passed by this Court in similar situation and those orders shall be considered by the respondent no. 2 while taking decision. Respondent no. 2 after passing reasoned order shall communicate the same to the parties within 1(one) week thereafter.

The concerned authority of Garulia Municipality is also directed to forward necessary documents relating to service of the mother of the petitioners within fortnight from the date of communication of this order and those

documents shall also be taken into consideration by the respondent no. 2 at the time of passing order.

With the aforesaid directions, the writ petition stands disposed of.

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.)