

16.05.2024.
PB
Sl. No.13.
Ct. No.24.

WPA 10405 of 2024

Sri Kamal Kanrar
Vs
The Champdani Municipality & Ors.

Mr. Partha Sarkar,
Mr. Abhijit Basu,
Ms. Megha Sarkar.
.....for the petitioner.
Mr. Ayan Banerjee,
Mr. Souro Chaudhury.
.....for the Municipality.

The petitioner is a retired employee of Champdani Municipality. His grievance is that his pension is not being paid for the last four months. Arrear pension is also due. Gratuity amount has also not been paid in terms of the Pension Payment Order that has been issued.

Learned advocate representing the municipality admits the dues of the petitioner but submitys that on account of financial crunch, the municipality is not in a position to make the payment.

The ground of financial crunch in not disbursing pension to a retired employee cannot be accepted by the Court. The employer is bound to pay the pension and the terminal benefits to the retired employee as the employee, at this ripe age, does not

have any other source of income for his survival. The fundamental right to lead a life with dignity is being infringed by the municipality in not disbursing the terminal dues to the retired employee.

In view of the above, the instant writ petition is disposed of by directing the municipality to take steps for disbursing the dues on account of current pension immediately to the petitioner.

As regards the arrear pension and the gratuity amount that is due, the same shall be cleared within 30th September, 2024 by monthly instalments, as prayed for by the learned advocate appearing for the municipality.

As the petitioner will be receiving his gratuity at a delayed date, accordingly, he will be entitled to receive the same along with the interest at the rate of 7% per annum to be calculated on and from the due date till the date of actual payment.

It will be open for the municipality to seek financial help from the State Government for meeting up the dues of the retired employee.

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

(Amrita Sinha, J.)

