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04.01.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22991 of 2023

**Shyamal Mazumder
-versus
The State of West Bengal & Ors.**

**Mr. Sreekumar Chakraborty.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque.
...For the State.**

**Mr. Sujoy Bandyopadhyay,
Mr. Pradipta Siddhanta,
Mr. Subham Saha.
...For the Municipality.**

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

The petitioner is a retired employee of Midnapore Municipality. He retired from service on attaining his normal age of superannuation on 31st March, 2021.

The grievance of the petitioner is that he has not been paid his terminal benefits till date.

Learned advocate appearing for the Municipality and the learned advocate appearing for the Director of Local Bodies submit that the pay of the petitioner is yet to be fixed. On account of non-fixation of the pay of the petitioner in the proper grade, the terminal benefits of the petitioner cannot be assessed and released.

I have perused the documents annexed to the writ petition and the documents placed before this Court by the learned advocate appearing for the Municipality.

It appears that there are communications made by and between the Municipality and the Director of Local Bodies with regard to regularization of the promotion benefit of the petitioner.

It further appears that the Director of Local Bodies by a communication dated 9th December, 2022 requested the Chairman of the Municipality to forward all documents duly authenticated relating to appointment and different promotion of the petitioner along with the approval orders of the government within fifteen days. There is nothing on record to suggest that the Municipality forwarded the documents as sought for.

The Municipality being the principal employer of the petitioner ought to have taken proper steps to ensure that the employee receives his terminal benefits immediately upon his retirement.

It is nearly three years that the employee has retired but he has not received a single penny on account of his terminal dues. The same is possibly because of non-fixation of the pay of the petitioner in proper scale. The lackadaisical attitude of the Municipality in dealing with the matter with promptitude is highly deprecated.

The Municipality is directed to immediately forward the relevant documents as sought for by the

Director of Local Bodies so that the terminal dues of the petitioner may be released in his favour without any further delay.

The Municipality and the Director of Local Bodies are directed to act in tandem and shall take all positive steps and release the terminal benefits of the petitioner at the earliest, but latest within a period of four months from the date of communication of this order.

Pending finalization of the terminal benefits to be released in favour of the petitioner, steps shall be taken to release provisional dues in his favour positively by four weeks from the date of communication of this order.

The instruction forwarded by the Municipality to the learned advocate be retained with the record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)