

26.02.2024

DL.5

PP

Ct.No.15

WPA 26532 of 2017

Ratna Dasgupta & Anr
in place of Samir Kumar Dasgupta(decesed).

Vs.

The Kolkata Municipal Corporation & Ors.

Ms. Koyeli Bhattacharyya

... for the petitioners.

Mr. Alak Kumar Ghosh,
Mr. Swapan Kumar Debnath

... for KMC.

Writ petition is finally taken up for consideration in presence of the learned advocates representing the petitioners and Kolkata Municipal Corporation.

Mr. Ghosh, learned advocate representing Kolkata Municipal Corporation has filed a report in the form of affidavit in terms of the order passed by this Court previously and the same is taken on record.

On perusal of the report and its annexure, it appears that a calculation has been given considering the original petitioner's retirement with effect from 1st May, 2017 and his death on 6th February, 2019, who was an employee of Kolkata Municipal Corporation. From the calculation, it appears that deducting Rs.57,535/- a total amount of terminal benefits and death gratuity which is payable to the petitioners is

Rs.1,80,0339/-. It is also indicated in the calculation that the provident fund dues and group insurance benefit have already been released.

Ms. Bhattacharyya, learned advocate representing the petitioners questions calculation made by the concerned authority of Kolkata Municipal Corporation while determining the amount payable to the petitioners. According to the petitioners, they are entitled to get more amount than the amount which has been calculated.

Having considered the submissions made on behalf of the parties and in considering of the report filed before this Court today, the writ petition is disposed of thereby directing the concerned authority of Kolkata Municipal Corporation to release Rs.1,800,339/- to the wife of the employee, being petitioner no.1(a) within a period of six weeks from the date of communication of this order upon completing formalities.

Needless to add, that petitioner no.1(a) shall receive family pension regularly apart from arrear of family pension for the period from 7th February, 2019 to 31st January, 2024, which will be paid to the said petitioner. If after payment of admissible dues as calculated by the authorities, petitioners find that

calculation has not been properly made determining the amount which is payable to the petitioners, it will be open to the petitioners to take steps in accordance with law.

However, there will 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.)