

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

W.P.A 27710 of 2022

Sri Rameswar Banerjee

-versus-

The State of West Bengal & Ors.

Mr. Biswajit Konar

Mr. Arijit Mahinder

...For the Petitioner.

Mr. Saunak Bhattacharya,

...For AMC.

Mr. Pinaki Dhole

Mr. Avishek Prasad

...For the State.

The petitioner is a retired employee of Asansol Municipal Corporation. He retired from service on attaining his normal age of superannuation on August 31, 2019.

As a criminal proceeding is pending against him, he has not been paid his terminal dues. No disciplinary proceeding has been either initiated or contemplated against the petitioner.

The Municipal Corporation, on account of pendency of the proceeding, has not taken any steps for disbursing either the pension or the provident fund dues of the petitioner.

The petitioner was arrested on April 3, 2017 and since thereafter he has not been paid salary.

Prayer has been made for disbursing the terminal dues along with his arrear salaries.

Learned advocate representing the respondent authorities rely upon the West Bengal Municipal (Employee's Death-Cum-Retirement Benefits) Rules, 2003.

Rules 23 and 25 of the said Rules relate to the provisions for withholding the pension of a retired employee. In the aforesaid Rules, there is an opportunity for granting provisional pension to the retired employees.

The instant writ petition is, accordingly, disposed of by directing the Asansol Municipal Corporation to take steps in terms of the Rules mentioned hereinabove.

As there is no provision for withholding salary of an employee if he performed his duty, accordingly, the Corporation shall also consider taking steps to release arrear salary of the petitioner, if any.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)