

06-02-2024
ct no. 24
Sl. 235
Sayandeep

WPA 26671 of 2023

Sri Asoke Ganguly @ Asoke Gangopadhyay

-Versus-

The State of West Bengal & Ors.

Mr. Partha Sarkar

Mr. Abhijit Basu

...for the petitioner

Mr. Somnath Roy

.... For the Municipality

Affidavit- of-Service is taken on record.

None represents the State.

The petitioner is a retired employee of Bhadreshwar Municipality. Allegation is that the petitioner has not been paid his terminal dues i.e. pension and gratuity.

From the submissions made on behalf of the petitioner and the Bhadreshwar Municipality and upon perusal of the materials on record, it appears that the petitioner filed representation before the Municipality seeking terminal benefits but no representation has yet been filed before the Director of Local Bodies.

Learned advocate representing the Municipality submits that if the Director of Local Bodies sanctions the pension in favour of the

petitioner, the Municipality does not have any objection to the same.

There is nothing on record to suggest that the prayer of the petitioner for grant of terminal benefits was forwarded to the Director of Local Bodies.

In view of the above, leave is granted to the petitioner to make formal representation before the Director of Local bodies for grant of terminal benefits in his favour through the Municipality. The representation shall be supported by all relevant documents in support of the claim for terminal benefits.

The Municipality is directed to forward the service book and other relevant documents of the petitioner to the Director of Local Bodies.

On receipt of the application from the petitioner via the Municipality, the Director of Local Bodies shall take a decision with regard to the prayer of the petitioner for grant of terminal dues in his favour. If the DLB is of the opinion that the petitioner will be entitled to receive the terminal benefits, then necessary consequential steps shall be taken by the said authority.

The Director of Local Bodies is directed to take a decision in the matter at the earliest but positively within a period of eight weeks from the

date of receipt of all documents from the petitioner and the Municipality. If the Director of Local Bodies is of the opinion that the claim of the petitioner cannot be allowed, then a reasoned order shall be passed and communicated to the petitioner immediately thereafter.

If required, the Director of Local Bodies may grant of opportunity of hearing to the petitioner and to the representative of the Municipality for arriving at a final decision in the matter.

The writ petition stands disposed of without any order as to costs.

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

(Amrita Sinha, J.)