

24-04-2024
Item No.359 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.28876 of 2023
Sk. Basiruddin Ahamed

-vs-

The State of West Bengal & Ors.

Mr. Sankar Biswas
Ms. Ananya Adhikary ...for the petitioner

Mr. P.C. Das
Ms. P. Pal ...for the municipality

Affidavit of service filed in court is taken on record.

The petitioner is a retired employee of the Baidyabati Municipality. He was appointed in service on 1st September 1988 and retired on 30th November 2023.

The petitioner alleges that after his retirement, the municipality has not paid his retirement dues. He made several representations requesting disbursement of his terminal dues, but none of the representations has been answered by the concerned authority.

The petitioner prays for direction upon the municipality for releasing his terminal dues.

In this context, the petitioner relies upon an order dated December 11, 2020 passed by this court in WPA No.8749 of 2020 (Swapan Chatterjee v. The Baidyabati Municipality & Ors.) and prays for similar reliefs.

It has been pointed out before this court that the Baidyabati Municipality preferred an appeal against the aforesaid order dated December 11, 2020.

The Hon'ble Division Bench by an order dated March 19, 2021 passed in MAT No.65 of 2021 with CAN No.1 of 2021 (The Baidyabati Municipality & Ors. v. Swapan Chatterjee & Anr.) affirmed the order passed by the learned single Judge on December 11, 2020.

The Municipality, thereafter, preferred a Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court in Special Leave to Appeal (C) No.7254/2022, in the matter of Baidyabati Municipality & Ors. v. Swapan Chatterjee & Anr., passed an order on May 2, 2022 dismissing it.

As it appears that the order passed by the learned single Judge in the writ petition (WPA No.8749/2020) on December 11, 2020 has attained finality by now and on the submission made on behalf of the learned advocate appearing for the petitioner that the order passed in the matter of Swapan Chatterjee (supra) has duly been complied with, accordingly, the instant writ petition is disposed of in the same lines as in the matter of Swapan Chatterjee (supra).

The municipality is directed to process the pension papers of the petitioner immediately and take necessary steps for payment of provisional pension, including gratuity, to the petitioner till the final pension is paid to him.

The municipality shall pay the provisional pension, including gratuity, to the petitioner within four weeks from date.

All necessary pension papers of the petitioner shall be forwarded to the Director of Pension, Provident fund & Group Insurance within a period of eight weeks from date.

The municipality shall ensure that all the retirement dues of the petitioner are cleared positively latest within a period of seven months.

The writ petition is thus disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]