

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 855 of 2024

**Suba Kumar Biswakarma
Versus
The State of West Bengal and Ors.**

Mr. Deborshi Dhar, Adv.

... for the Petitioner

Mr. Subir Kumar Saha, Adv.

Mr. Kumar Shantanu, Adv.

... for the State

Mr. Ujjwal Luksom, Adv.

Mr. Sumit Kumar, Adv.

... for the respondent nos.5 and 6

Mr. Deborshi Dhar, learned counsel, is appearing for the petitioner. Mr. Subir Kumar Saha, learned counsel, is appearing for the State. Mr. Ujjwal Luksom, learned counsel, is appearing for the respondent nos.5 and 6.

The petitioner was appointed as Peon in the Kalimpong Municipality and thereafter he was promoted to the post of Lower Division Clerk on 15.03.1983 and subsequently, he was again promoted to the post of Assistant Tax Collector with effect from 01.01.2007. After attaining the age of 60 years, the petitioner superannuated from the post of Assistant

Tax Collector on 31.01.2015. After the superannuation, the petitioner was getting monthly pension regularly till October, 2022 and all of a sudden from the month of November, 2022, the pension of the petitioner has been stopped. The petitioner has made several requests to the Kalimpong Municipality for release of pension which the petitioner was getting after his superannuation but till date the pension has not been released.

Learned counsel for the Kalimpong Municipality submits that due to non-availability of the fund in the Kalimpong Municipality the pension of the petitioner has been stopped and as and when the Kalimpong Municipality will get the fund from the Government of West Bengal, the Kalimpong Municipality shall release the arrears and regular pension to the petitioner.

Heard the learned counsel for the respective parties. Perused the materials on record.

The petitioner has served in the Kalimpong Municipality for about 38 years and after superannuation he was getting pension but all of a sudden only on the basis that fund is not available to the Kalimpong Municipality, the Pension has been stopped which cannot justify the reason for stopping the pension of the petitioner.

Considering the above, this Court finds that the act of the respondent authority by stopping the

pension of the petitioner is nothing but arbitrary and colourable exercise vested upon respondents.

Accordingly, respondents are directed to release the pension of the petitioner along with arrears from the month of November, 2022 and to continue to pay the monthly pension to the petitioner without any hindrance within two weeks from the date of receipt of this order.

It is made clear if the respondents fail to pay the arrears and monthly pension within two weeks from the date of receipt of this order; the same will carry interest of 10% per annum from November, 2022 till the payment of total arrears is paid.

WPA 855 of 2024 is disposed of.

(Krishna Rao, J.)