

19.05.2025
Sl. No.3
akd

W. P. A. 2786 of 2025

[Minati Das -Vs- The State of West Bengal & Ors.]

Mr. Lalratan Mandal
... .. for the petitioner

Mr. Subrata Ghosh
... .. for the Municipality
[Murshidabad Municipality]

Mr. Suddhadev Adak
Ms. Srijani Mukherjee
... .. for the State

1. The petitioner has preferred the present writ petition seeking release of the pensionary benefits and terminal dues of the petitioner's deceased husband, who was employed as a Light Supervisor, Group- D in Murshidabad Municipality, passed away on 27.07.2012, while in service.
2. Affidavit-in-opposition filed on behalf of respondent nos.6 to 9 (Murshidabad Municipality) is taken on record.
3. It appears that the respondent-Murshidabad Municipality has undertaken to release the arrears of pension and gratuity of the deceased husband of the petitioner within a period of five months but without any interest. The ground taken by the respondent-Municipality for withholding the interest is that the petitioner purportedly failed to raise the issue of non-payment of arrears and gratuity with diligence and has been sleeping over her rights for a prolonged period of time.
4. It is the case of the petitioner that her husband died on 27.07.2012, while working as a Light Supervisor, Group- D in Murshidabad Municipality, after rendering qualifying service for 23 Years 7 Months 25 Days. Thereafter, the petitioner was paid

Rs. 3000 per month w.e.f. 28.07.2012 to 31.12.2014 towards Provisional Family Pension. Subsequently, a Pension Payment Order dated 20.10.2014, was issued in favour of the petitioner, thereafter, the petitioner started to receive a regular Family Pension w.e.f. 01.01.2015. Therefore, the petitioner is entitled to get arrear family pension for the period from 28.07.2012 to 31.12.2014 and death gratuity for Rs. 2,31,252/- as indicated in the said PPO along with interest at the rate of 18 percent per annum. Despite the admitted dues, the same has not yet been disbursed to the petitioner till date.

5. It is pertinent to mention that the ground raised by the petitioner, at this stage that no interest can be paid due to the poor financial condition of the Municipality, is devoid of merit.

6. This Court is constrained to observe that such a justification is only untenable and reflects a misplaced understanding of administrative responsibilities. Pension and gratuity are not bounties, but vested statutory rights flowing from the long standing service of the deceased employee. It is the obligation of the employer and Murshidabad Municipality to ensure that the legal heirs of the deceased employee, who has rendered service for a long period, shall automatically be paid the pension as well as all other retiral benefits.

7. Learned Advocate for the petitioner has handed over a document which shows that the respondent-Murshidabad Municipality has paid interest at the rate of 9% per annum to other similarly situated employees. Copy of the said document is taken on record.

8. Thus, in such circumstances to cite the alleged financial incapability of the Municipality as a ground to deny interest is

unjust and discriminatory. The petitioner cannot be made to suffer for institutional lapses, especially when precedence exists of interest being paid to other similarly situated employees.

9. Accordingly, this Court directs the respondent-Murshidabad Municipality to disburse the admitted arrears of pension and gratuity of the petitioner's husband along with interest at the rate of 9% per annum to the petitioner within a period of five months as admitted by the Municipality in their affidavit-in-opposition.

10. With the above directions, the writ petition is disposed of.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)