

24.03.2025
Sl. No. 95
Ct No. 3
SG

WPA 3292 of 2025

**Uttam Kumar Saha
Vs
The State of West Bengal & Ors.**

Mr. Srikanta Datta.
...for the petitioner

Ms. Piyali Sengupta.
...for the State

Mr. Usof Ali Dewan,
Mr. Asif Dewan.
...for municipality respondent
no.5

1. Affidavit-of-service filed in the Court today and the same is taken on record.
2. The petitioner is aggrieved by non-disbursement of his retirement dues by the respondent municipality, namely Jiaganj Azimganj Municipality. It is the case of the petitioner that after rendering more than 37 years of qualifying service, he had retired from the services of the respondent no. 5 on 31.01.2025, after attaining the age of superannuation. However, his retiral benefits has not yet been released.
3. Learned Counsel for the respondent municipality states that the petitioner was initially engaged on 07.08.1987 as a casual employee in terms of the appointment letter vide no. 1743/II-I J.A.M. dated 5.08.1987 issued by the Chairman of the said

Municipality. Subsequently, the petitioner was appointed as “Typist” of the said Municipality with effect from 4th October, 1988 by the Chairman of the said Municipality. That on 22.12.2008 the Director Local Bodies, West Bengal had granted permission to the municipality for filling up of the eight sanctioned vacant post by absorption by Pre’92 casual workers on the basis of their seniority and qualification. After receiving of such instruction by the Director Local Bodies dated 22.12.2008, the municipality in a meeting dated 17.02.2009, selected eight casual workers for absorption as permanent employee of the said municipality, including the petitioner herein. Thereafter on 20.02.2009 Chairman of the Municipality issued order of appointment to the petitioner on permanent basis on the post of Lower Division Clerk, Jiaganj-Azimganj Municipality with effect from 02.03.2009. On 31.01.2025 Mr. Saha retired from his service and municipality had issued the provisional pension amounting to Rs.9,225/- per month in favour of the petitioner.

4. Learned Counsel for the municipality has handed over a copy of the instruction dated 20.03.2025 wherein the municipality states that relevant documents of the petitioner for his retirement benefit shall be submitted before the Director of Local

Bodies, West Bengal within a period of two weeks from the date of the letter dated 20.03.2025.

5. Ms. Piyali Sengupta, learned Counsel appearing for the States submits that upon receipt of the documents, the Director of Local Bodies shall take appropriate action and render a decision within a period of four weeks from the date of receipt thereof. The decision, alongwith all relevant documents, shall be forwarded to respondent no. 6 within one week thereafter, who is the designated authority responsible for final determination and sanction of the petitioner's pensionary benefits.

6. Respondent no. 6 is accordingly directed to undertake all necessary steps for the expeditious processing and release of the petitioner's full pensionary and retiral dues. The said process shall be completed within a period of four weeks from the date of receipt of all requisite documents and fulfillment of necessary formalities by the petitioner.

7. With the above directions, the present writ petition is disposed of.

8. There shall be no order as to costs.

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

(Gaurang Kanth, J.)