

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**RESERVED ON: 28.07.2025
DELIVERED ON: 12.08.2025**

**PRESENT:
THE HON'BLE MR. JUSTICE GAURANG KANTH**

WPA 14362 OF 2024

SANICHAR PASWAN

VERSUS

THE STATE OF WEST BENGAL & ORS.

Appearance:-

**Mr. Kajal Ray, Adv.
Mr. Suman Nandi, Adv.**

.....**For the Petitioner**

Mr. Arabinda Das, Adv.

.....**For the State**

**Mr. Tapas Kr. Ghosh, Adv.
Mr. Tanmoy Chowdhury, Adv.**

.....**For Respondent Nos. 4 to 6.**

JUDGMENT

Gaurang Kanth, J. :-

1. At the very outset, this Court records its deep anguish and serious concern over the wholly unjustified and prolonged delay in the disbursement of pensionary benefits to the Petitioner, a retired Group-D employee who has served the Respondent authority with 35 years of unblemished and dedicated service. Despite the lapse of 23 months since his superannuation, the Respondents have failed to release his lawful retiral dues, citing vague administrative lapses without offering any cogent explanation. The Petitioner, left with no other recourse, has been compelled to approach this Court for

the enforcement of his rightful entitlements. Such inaction is not merely a lapse in governance but a grave dereliction of statutory duty, amounting to a denial of the Petitioner's vested and enforceable rights. It is reiterated that pension is not a matter of generosity but a constitutionally and statutorily protected right. Delay in its disbursement, especially to employees who have served in the lowest rungs of public administration, is antithetical to the principles of justice, equity, and good governance.

2. With the above sentiments duly noted, this Court shall now proceed to consider and determine the merits of the present writ petition.

Submission on behalf of the Petitioner

3. It is the case of the Petitioner that he was initially engaged as a casual worker in the Respondent Municipality in the year 1981. He was assigned the job of Group D post of 'Mathor' for cleaning the public drain within the jurisdiction of Municipality. The services of the Petitioner, in the capacity of Group-D employee were formally confirmed on 01.11.1988. A service book was prepared in his name, akin to those of other similarly circumstanced employees, and he was extended all service-related benefits, including those under the Assured Career Progression (ACP) scheme.
4. Prior to his superannuation, vide letter dated 06.01.2023, the Chairman of the Respondent Municipality informed the Petitioner that he would retire from service with effect from 31.08.2023 and was accordingly advised to approach the Establishment Section through the Health Department of the Municipality for facilitation of the pension sanction process. By way of the same communication, the Petitioner was directed to furnish his appointment letter, joining report, educational/technical qualification certificates, and birth certificate. The Petitioner, vide communication dated 22.08.2023,

informed the Chairman of the Respondent Municipality that he was not in possession of the aforementioned documents. He stated that no appointment letter had been issued to him or to the similarly placed individuals. The joining report is in the custody of the Respondent Municipality.

5. The Petitioner superannuated from service on 31.08.2023. However, due to discrepancies and mismatch in the designation of the post held by the Petitioner, no pension has been sanctioned in his favour to date. The Petitioner, having rendered over 35 years of unblemished service, has approached this Court by way of the present Writ Petition, seeking appropriate relief.
6. The Petitioner vide letter dated 02.11.2023 requested the Respondent Municipality to take steps for the release of the monthly pension and other retiral dues to the Petitioner. The Respondent Municipality vide letter dated 30.01.2024 informed the Petitioner that the profile of the Petitioner has not been approved by the Director of Local Bodies, West Bengal. Unless it is approved by the Director of Local Bodies, West Bengal his document cannot be uploaded to Integrated Online Salary Management System (i-OSMS). Further, Director, DPPG informed the Respondent Municipality that they will not receive any hard copy of the files due to the introduction of the online system. Hence the Respondent Municipality is not in a position to release the pensionary benefits to the Petitioner.
7. The Petitioner has further asserted that pension and retiral benefits were released to other Coolies who had retired prior to the implementation of the i-OSMS system. However, due to the technical transition to the said system, employees like the Petitioner are now facing financial hardships due to non-disbursal of retiral dues.

8. Affidavits-in-Opposition have been filed by Respondent Nos. 4 to 6 (the Respondent Municipality). No Affidavit has been filed on behalf of the Respondent No. 2 (the Director, Local Bodies) despite opportunities.

Submission on behalf of Respondent Nos. 4-6 (Respondent Municipality)

9. Respondent Nos. 4 to 6, in their Affidavit-in-Opposition, have supported the claims of the Petitioner. It has been affirmed therein that the Petitioner, along with 147 similarly situated persons, was initially appointed to the post of 'Coolie/Mathor' in the year 1981 by the then Chairman of the Respondent Municipality. The said appointments were duly approved by the Finance and Establishment Standing Committee. The Petitioner and others regularly received monthly wages and continued in service until retirement on 31.08.2023. However, his pension and other retiral benefits have not been released to date.
10. It has further been stated that in August 2017, the Director, Local Bodies, West Bengal, informed all Municipalities of the development of an i-OSMS for Urban Local Bodies pursuant to directives issued by the Urban Development and Municipal Affairs Department, Government of West Bengal. Subsequently, on 06.07.2018, the Officer on Special Duty and Ex-officio Special Director, Directorate of Pension, Provident Fund and Group Insurance (DPPG), West Bengal, issued instructions regarding documentation required for timely disbursement of pensionary benefits.
11. On 13.09.2021, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, informed the Director, Local Bodies, that the e-pension facility for Municipal employees would be operational from 15.09.2021, and henceforth, all pension files were to be submitted via the e-pension portal; hard copies would no longer be accepted.

- 12.** On 23.07.2019, the then Chairman of the Respondent Municipality submitted a proposal to the Director, Local Bodies, West Bengal, seeking re-designation of 148 existing employees, including the Petitioner, from the posts of Coolie, Dome, Methor, Trailorman, and Jharuyali to the post of 'Conservancy Worker', along with supporting documentation. Reminder letters in this regard were issued by the Municipality on 08.11.2019, 25.11.2020, 04.11.2022, and 04.12.2023, requesting necessary action.
- 13.** On 15.05.2024, the Director, Local Bodies, West Bengal, raised certain queries and sought further documentation in support of the re-designation request. The requisite information was furnished by the Respondent Municipality vide communications dated 07.06.2024.
- 14.** It is to be noted that eight retired employees among the aforesaid group of 148, whose re-designation was also pending, approached this Hon'ble Court by way of various Writ Petitions. In the meanwhile, this Court in the present matter vide order dated 21.05.2024 directed the Respondent Municipality and the Director, Local Bodies to sort out their difference and take steps for the release pension to the retired employees. In pursuance of the said direction of this Court, the Respondent Municipality forwarded all the relevant documents to the Director, Local Bodies.
- 15.** Pursuant to the orders passed by this Hon'ble Court, the Director, Local Bodies, vide order dated 21.06.2024, permitted the re-designation of six of the said employees. The present Petitioner's name was also approved for the re-designation.
- 16.** Subsequently, the pension file of the Petitioner was uploaded in the official website of the Government of West Bengal.

- 17.** It was further stated by the Respondent Municipality that entire process has been completed and it is expected that within a short period of time the pension file will be approved by the competent authority and soon thereafter the pay fixation in terms of ROPA-2019 will be carried out and the pension will be released immediately thereafter.

Legal Analysis

- 18.** This Court heard the arguments advanced by the Petitioner and Respondent No.4-6 and perused the records.
- 19.** The Petitioner retired from service on 31.08.2023 after rendering 35 years of unblemished and dedicated service under the Respondent Municipality. Despite such long and commendable service, the Petitioner has been compelled to run from pillar to post for the release of his lawful retiral dues. It is pertinent to note that the Petitioner was drawing monthly salary since 1988; however, the disbursement of his pension and other retiral benefits remained stalled solely on account of the failure of the Respondents to undertake the necessary re-designation of his post. Although the Respondent Municipality first sought approval for re-designation as far back as in 2019, no meaningful steps were taken thereafter, thereby forcing the Petitioner and other similarly placed employees to approach this Court for redressal. It was only after persistent representations and prolonged delay that the Director, Local Bodies, vide communication dated 21.06.2024, finally granted permission for the re-designation of the Petitioner's post. Yet, even after the passage of more than a year since such approval, the Respondents have failed to release the Petitioner's pension and retiral dues.
- 20.** This demonstrates a continuing and inexcusable administrative apathy on behalf of the Respondents. This Court finds it imperative to reiterate and

firmly emphasize that pension is not a gratuitous benefit or bounty, but a vested constitutional and statutory right earned by an employee through decades of continuous, honest, and unblemished service to the institution and, by extension, the nation. Pension and other retiral benefits constitute deferred wages and are integral to the right to livelihood under Article 21 of the Constitution. These entitlements, once accrued, must be disbursed promptly and without delay. Any unwarranted postponement in the release of such dues not only causes immense hardship to retired employees, many of whom rely solely on these sums for their survival, but also undermines the dignity and respect owed to them. Administrative inefficiency, inter-departmental lapses, or procedural bottlenecks can never justify the deprivation or deferment of these rightful dues. Such excuses are wholly untenable in law. All retired employees are to be treated with the utmost respect, and their legitimate claims must be honored expeditiously.

21. In view of the clear stand taken by the Respondent Municipality, this Court directs the Respondent Municipality to complete the process and release the pension and other retiral benefits to the Petitioner within 4 weeks from the pronouncement of this order. If the Respondent Municipality failed to release the said amount within the said time line, Petitioner will be entitled for 6% interest on the outstanding retiral dues from 01.01.2024 till the date of actual payment.

22. This Court reiterates in the strongest possible terms that no further delay in the disbursal of retiral dues to the Petitioners and similarly situated persons shall be tolerated, as it would amount to a denial of their legally enforceable rights and a breach of the principles of fairness, equity, and justice.

- 23.** In light of the foregoing discussion and observations, the writ petition is accordingly disposed of with a clear direction to the Respondent authorities to ensure strict compliance with this order within the stipulated timelines. Non-compliance shall be viewed seriously and may invite further judicial consequences.
- 24.** Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Gaurang Kanth, J.)

SAKIL AMED (P.A)

