

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

**RESERVED ON: 17.09.2025
DELIVERED ON: 26.09.2025**

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

WPA 13853 OF 2025

UTPAL SARKAR

VERSUS

TITAGARH MUNICIPALITY & ORS.

Appearance:-

Mr. Sahasrangshu Bhattacharjee, Adv.

..... for the Petitioner.

Mr. Shyamal Kumar Das, Adv.

Ms. Bushra Meshat, Adv.

Ms. Krishna Yadav, Adv.

..... for the Municipality.

JUDGMENT

Gaurang Kanth, J. :-

1. The Petitioner preferred the present writ Petition being aggrieved by the non-release of the entire gratuity amount of Rs. 6,27,656/- along with interest despite the fact that he has retired from the service on 31.03.2022.
2. The facts leading to the present writ petition is as follows:
3. The Petitioner was appointed to the post of *Guard of Sewerage Outfall Works* under Titagarh Municipality on 16.04.1989. Thereafter, by order dated 27.09.2019, he was promoted to the post of *Store Keeper* with effect from 27.09.2019. After rendering continuous service for more than 32

years, the Petitioner retired upon attaining the age of superannuation with effect from 31.03.2022.

4. Pursuant thereto, a Pension Payment Order dated 07.03.2024 was issued in favour of the Petitioner, sanctioning a monthly pension of Rs. 18,750/- along with gratuity of Rs. 6,27,656/-. Further, a sum of Rs. 5,76,470/- was accrued in his Provident Fund account, out of which Rs. 3,00,000/- was released, leaving an outstanding balance of Rs. 2,76,470/-.
5. Despite repeated representations and requests made by the Petitioner, the Respondent has failed and neglected to disburse the aforesaid outstanding retiral dues including gratuity, pension and provident fund etc. Being aggrieved thereby, the Petitioner has been constrained to invoke the writ jurisdiction of this Hon'ble Court.

Submission on behalf of the Petitioner

6. The Petitioner states that pension, gratuity and provident fund are vested statutory rights earned through long years of service and are not matters of bounty. The withholding of retiral dues without any lawful justification is arbitrary, unreasonable and violative of Articles 14 and 21 of the Constitution of India. The Hon'ble Supreme Court has consistently held that pension is a deferred wage and that retiral benefits must be released promptly upon retirement, failing which the employee is entitled to interest for the delay.
7. The Petitioner further states that despite his superannuation on 31.03.2022 and repeated representations thereafter, the Respondent has failed to disburse the outstanding retiral dues. Such inaction on the part of the Respondent has caused grave financial hardship to the Petitioner.

He is therefore entitled to immediate release of the said amount along with appropriate interest for the period of wrongful withholding.

Submission on behalf of the Respondent

8. An affidavit has been filed on behalf of Respondent Nos. 1 to 3 by the Vice-Chairman, Titagarh Municipality. In the said affidavit, the Respondents have admitted their liability towards the Petitioner in respect of his retiral dues. However, it has been stated that the Municipality is presently facing an acute financial crisis and, therefore, is not in a position to disburse gratuity and provident fund amounts to its retired employees in full.
9. It has further been stated that by letter No. 340/DLB/P-208/15-25 dated 15.02.2007, the Director of Local Bodies had accorded approval for 114 posts in different categories from the date of creation of such posts, though salary and grants were sanctioned only with effect from April, 2006. Owing to the precarious financial condition of the Municipality, a decision was taken to release gratuity and provident fund dues of retired employees by way of part payment. It has been assured that as and when sufficient funds become available, the outstanding dues shall be released to the retired employees.
10. The Respondents have also pointed out that out of the total gratuity amount of Rs. 6,27,656/-, a sum of Rs. 1,00,000/- has already been released to the Petitioner on 12.09.2025.

Legal Analysis

11. This Court has heard the submissions advanced by the learned counsel for the parties and perused the documents placed on record.
12. It is indeed a matter of grave concern that despite rendering unblemished service for over three decades, retired employees are compelled to wait

indefinitely for the release of their legitimate retiral dues. These employees have served the Respondent Municipality throughout their lives, and at this stage of retirement they are in dire need of financial support to sustain themselves and meet essential medical expenses. The present state of affairs is most unfortunate and calls for immediate remedial action. It is the responsibility of the Respondent Municipality as well as the State Government to ensure timely disbursement of retiral benefits, failing which the very purpose of such benefits stands defeated.

13. Be that as it may, there is no dispute with respect to the factual position. The provident fund represents the employee's own contribution and, therefore, there can be no justification whatsoever for withholding even a part of it. Accordingly, this Court directs the Respondents to release the outstanding provident fund dues, if any, within a period of 12 weeks from the date of this order. Insofar as the outstanding gratuity and any arrears of pension are concerned, the same cannot be kept pending indefinitely. The Respondent Municipality is directed to clear such outstanding dues within a period of four months from today, failing which the amount shall carry simple interest at the rate of 6% per annum until payment.
14. With the aforesaid directions, the present writ petition stands allowed.

(Gaurang Kanth, J.)