

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

**RESERVED ON: 13.08.2025
DELIVERED ON: 16.09.2025**

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

WPA 15784 OF 2024

PRABIR KUMAR BHATTACHARYYA

VERSUS

THE STATE OF WEST BENGAL & ORS.

Appearance:-

Mr. Sankar Biswas, Adv.

.....for the Petitioner

Mr. Suman Basu, Adv.

..... for respondent nos. 3 to 5
[Garulia Municipality]

Mr. Kapil Guha, Adv.

.....for the State

JUDGMENT

Gaurang Kanth, J. :-

1. The Petitioner has preferred the present writ petition assailing the impugned order dated 07.05.2024, issued by the Chairman, Garulia Municipality, vide communication dated 10.05.2024, whereby it has been stated that due to the Petitioner's prolonged absence from duty, his pensionary file could not be processed in a timely manner, notwithstanding his retirement from service on 28.02.2021. The Petitioner has further prayed for the immediate disbursement of all his retiral benefits, including pension, gratuity, provident fund, and all other consequential dues.

2. The facts leading to the present case is as follows:

3. The Petitioner was appointed as a Sanitary Inspector in the Respondent Municipality by virtue of an appointment letter dated 11.05.1987, with a probationary period of six months. Upon satisfactory completion of probation, the services of the Petitioner were confirmed with effect from 01.12.1987.

4. The Petitioner, after rendering continuous service with the Respondent Municipality for a period of 33 years and 3 months, superannuated from service on 28.02.2021.

5. However, despite the passage of considerable time, the Respondent Municipality has failed to release the retiral dues of the Petitioner. It is pertinent to note that the service book of the Petitioner was not prepared and submitted for approval until August 2023. The Petitioner, therefore, submitted a representation dated 16.08.2023 seeking release of his retiral benefits. As no response was forthcoming, the Petitioner approached this Court in WPA No. 21228 of 2023. This Court, by order dated 18.12.2023, was pleased to dispose of the said writ petition with a direction to the Chairman of the Respondent Municipality to consider and dispose of the Petitioner's representation within a period of eight weeks. Pursuant thereto, the Chairman considered the representation and rejected the same by order dated 18.12.2023.

6. Subsequent to the said rejection, the Chairman of the Respondent Municipality called the Petitioner for a hearing on 07.05.2024 and thereafter passed an order whereby, it was recorded that the Petitioner had remained absent from duty for a considerable period, as a result of which his pension papers could not be processed in time. It was further stated that the pension file had since been prepared and forwarded to the office of the Director, Local Bodies, for verification and approval.

7. The Petitioner submits that, as on the date of filing the present writ petition, no retiral benefits have been released to him. He further contends that one Shri Arup Kumar Ghosh, a clerk of the Respondent Municipality, who retired on 21.12.2022, has already been granted full pension along with all other retiral benefits. In contrast, despite the Petitioner's superannuation more than four years ago, no such benefits have been disbursed to him. Aggrieved by the continued denial of his legitimate pensionary benefits, the Petitioner has preferred the instant writ petition.

Submission on behalf of the Petitioner.

8. Learned Counsel for the Petitioner submits that the Petitioner joined the services of the Respondent Municipality on 01.12.1987 and superannuated on 28.02.2021, having rendered a qualifying service of 33 years and 3 months. Accordingly, the Petitioner is entitled to pension, gratuity, and all other admissible retiral benefits under law.

9. It is further submitted that the Respondent Municipality failed to duly prepare and maintain the service book of the Petitioner, for no fault attributable to the Petitioner, thereby causing unwarranted delay in the processing and release of his pensionary benefits.

10. Learned Counsel emphasizes that pension is not a bounty or charity, but a right earned by the Petitioner through his long and unblemished service of 33 years. The Respondent authorities cannot withhold or deny the same without any lawful justification.

11. In light of the above, Learned Counsel for the Petitioner prays for appropriate directions upon the Respondent Municipality to forthwith release all outstanding retiral dues, including pension, gratuity, and other consequential benefits, along with applicable interest.

Submission on behalf of the Respondent Municipality

12. The Respondent Municipality has filed a short affidavit wherein it has admitted the claim of the Petitioner. It has been stated therein that, in pursuance of the order dated 28.04.2024 passed in WPA No. 21228 of 2023, necessary steps have been initiated for the release of the Petitioner's retiral dues. It is further averred that, on the basis of the available records, the pension file of the Petitioner has been duly prepared and forwarded to the office of the Director of Local Bodies, vide Memo dated 13.05.2025. The affidavit further records that upon receipt of approval from the office of the Director of Local Bodies, appropriate steps shall be taken for the disbursement of the Petitioner's outstanding retiral dues.

Submission on behalf of the Director of Local Bodies

13. As per the affidavit filed by the office of the Director of Local Bodies, the verification of the Petitioner's pay fixation has already been completed at their end. Accordingly, by letter dated 04.07.2025, the Respondent Municipality was directed to take delivery of the Petitioner's service book from their office and submit the same to the office of the Director of Pension, Provident Fund and Group Insurance (DPPG), Government of West Bengal, for further processing of the retiral benefits.

Legal analysis

14. This Court has heard the arguments advanced by the learned counsel for the parties and examined the documents placed on record.

15. In the present case, the Petitioner, after rendering 33 years of service under the Respondent Municipality, superannuated on 28.02.2021. Even after the lapse of four and a half years, his retiral dues have not been released. No

explanation whatsoever has been furnished by the Respondents for such inordinate delay in disbursing the Petitioner's legitimate pensionary benefits.

16. The Respondents do not dispute the Petitioner's eligibility for pension and other retiral dues. In fact, the Respondent Municipality, in its affidavit, has admitted that pursuant to the order of this Court, dated 28.04.2024 passed in WPA No. 21228 of 2023, the Petitioner's case was processed and the relevant documents were forwarded to the office of the Director of Local Bodies, on 13.05.2025. However, no justification has been offered as to why it took more than four years after the Petitioner's retirement merely to prepare and forward his pension papers.

17. This Court once again reiterates that pension is a vested right of an employee, earned through long years of dedicated service. It is not a bounty to be withheld at the whims of the employer. Withholding or delaying the release of pension without valid justification is wholly unacceptable. A retired employee is dependent upon pension for sustenance, including medical expenses and day-to-day needs. Prolonged non-release of such benefits amounts not only to cruelty but also to a failure on the part of the authorities to discharge their statutory obligations. Withholding the same for such an unreasonable period amounts to a violation of the Petitioner's constitutional right to livelihood under Article 21 of the Constitution of India, as well as an infringement of his property right under Article 300A.

18. In the present case, despite the Petitioner's long and unblemished service of over 33 years, his retiral dues have remained unpaid for more than four years after his superannuation. This unexplained and prolonged deprivation not only undermines the Petitioner's legal entitlement but also causes grave financial

hardship, defeating the very object of pension as a measure of social security and sustenance in the twilight years of life.

19. Be that as it may, the affidavit filed by Respondent No. 2 (Director of Local Bodies) clarifies that verification of the Petitioner's service has already been completed at their end. Once such verification is done, the pension is required to be processed through the e-Pension Portal maintained by the DPPG. Thereafter, it is incumbent upon the concerned Municipality to release payment. By communication dated 04.07.2025, the Director of Local Bodies, informed the Respondent Municipality that the Petitioner's pension papers had been duly verified. Consequently, the same is now required to be processed through the e-Pension Portal maintained by the DPPG.

20. In view of the above, the Director, DPPG is directed to process the Petitioner's documents through the e-Pension Portal within a period of two weeks from the date of communication of this order (if not already processed). The Respondent Municipality shall thereafter release the Petitioner's outstanding pension within a further period of two weeks.

21. This Court makes it clear that any further delay in compliance with this order will not be countenanced and may invite proceedings for contempt of Court against the erring authorities.

22. The present writ petition is, accordingly, allowed in the aforesaid terms.

(Gaurang Kanth, J.)