

01.08.2025.
Item No. 11.
Court No. 13
pk

**F.M.A. No. 1002 of 2024
With
I.A. No. CAN 1 of 2024**

**Nabadwip Municipality & Ors.
Versus
Indrani Sen & Ors.**

Mr. Swapan Kumar Majumdar,
Mr. Saptarshi Majumdar
... For the Appellants.

Mr. Jayanta Samanta,
Ms. Indumouli Banerjee.
...For the State.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta.
...For the respondents/writ petitioners.

1. The Nabadwip Municipality has filed the instant appeal aggrieved by order dated 06.05.2024 as corrected on 22nd May, 2024 passed by the Single Bench of this Court.
2. The Single Bench has directed the Nabadwip Municipality to issue pension payment order to the petitioners and also ensure payment of other terminal benefits.
3. The learned counsel for the appellant/Municipality submits that pension payment order in favour of the petitioner has been issued by the DPPG, West Bengal on 18th July, 2024. The petitioner is receiving pension from the date of issuance of P.P.O. Insofar as the gratuity is concerned, the Nabadwip Municipality being in shortage of funds is paying gratuity calculated

as per ROPA 2009 and in a streamlined manner serially to those, who have retired from the service of the Municipality. The petitioner is at serial no. 156 and shall be paid as and when her term comes.

4. It is submitted in the event of receipt of funds from the State Government, payment would be paid to the petitioner and all other employees within 24 hours thereof.

5. This Court is carefully considered the noted submissions advanced by the learned counsel for the appellant/Nabadwip Municipality and the writ petitioner/respondent.

6. It is now well settled by judicial dicta that pension and other terminal benefits are payable from the date immediately after the retirement/superannuation of an employee. The petitioner has superannuated from service on 31st October, 2022. The petitioner was, therefore, entitled to pension as well as all other terminal benefits from 1st November, 2022. In default of payment of such amount from 1st November, 2022, the employer and the State are liable to pay interest to the petitioner/employee.

7. Having regard to the above, this Court directs the Principal Secretary, Finance Department, Govt. of West Bengal to ensure release of appropriate funds to the Nabadwip Municipality to ensure payment of arrears of pension from 1st November, 2022 till the date of issuance of P.P.O. together with interest @ 7

per cent per annum. The petitioner shall also be paid gratuity as per ROPA 2019 calculated in the P.P.O. a sum of Rs.7,30,000/-. 50 per cent whereof has already been paid to the petitioner. The petitioner would be entitled to interest @ 7 per cent per annum from 1st November, 2022 till the date of actual payment of balance amount on gratuity from the Nabadwip Municipality/State.

8. The Principal Secretary, Finance Department, Govt. of West Bengal is added as party respondent to the instant appeal. The learned counsel for the appellant shall implead the said Principal Secretary, Finance Department, Govt. of West Bengal in the instant appeal and pleadings and serve copies of this order along with the paper book in the appeal to the said Principal Secretary, Finance Department, Govt. of West Bengal

9. It is expected that the State and the Nabadwip Municipality will comply with the aforesaid order within a period of four months from the date of communication of a copy of this order.

10. With the aforesaid observations, the instant appeal is disposed of. Consequently, connected pending application being CAN 1 of 2024 is also disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Ajay Kumar Gupta, J.*)