

28.11.2025
Ct. 3
Item No.
AD 1
Saswata

WPA 17337 of 2025
Kanchan Kumar Maity @ Kanchan Maity
Versus
The State of West Bengal & Ors.

Dr. Bishnupada Dutta

...For the petitioner

Ms. Sanghamitra Nandy

Mr. Manish Biswas

...For the State

Mr. Nilanjan Adhikary

...for the respondent nos. 5 to 8

1. Affidavit of service filed in Court today is retained with the record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to disburse and pay the pensionary benefits amounting to Rs.6,27,128/- and balance gratuity to the extent of Rs.4,52,608/- along with interest at the rate of 12 per cent per annum.
3. The petitioner claims to have been engaged by the municipality as an assistant at a fixed salary of Rs.3500/- per month in lieu of daily wage basis with effect from 1st April 1988. The appointment was on temporary basis, terminable with a month's notice. Later he was appointed in the post of fourth grade staff of the municipality with effect from 1st May 1990. Such fact would corroborate from the office order dated 15th March 1990. Consequent thereupon his name featured in the gradation list as would corroborate from the document dated 1st February 2008, issued by the Director or Local Bodies & Ex-Officio, Joint Secretary to the Govt. of West Bengal, Municipal Affairs Department.
4. After having successfully completed his service career, he was superannuated from service on 30th September 2022. Following the above, a Pension Payment Order

dated 4th April 2025 was issued. As per the Pension Payment Order, the petitioner became entitled to a sum of Rs.6,52,608/- on account of gratuity out of which according to him, he has received a sum or Rs.2,00,000/- and also became entitled to get a total arrear pension of Rs.6,27,128/- from the month of October 2022 to February 2025.

5. It is the petitioner's contention that the petitioner has been receiving pension on regular basis.
6. Both the Municipality and the State have filed separate reports which are retained with the record.
7. From the report filed by the Municipality it transpires that the claim of the petitioner to the extent of gratuity is admitted. Insofar as claim of arrear pension is concerned, though the initial figure Rs.6,21,028/- is admitted, however, as per such report on 25th June 2025, a sum of Rs.3,10,000/- has been paid on account of arrear pension and accordingly a sum of Rs.3,11,028/- is only due. Learned advocate for the petitioner submits that he has no instruction whether the Municipality has paid the aforesaid sum. He seeks specific direction from this Court directing the municipality to make payment of the balance amount.
8. Insofar as report filed by the State is concerned, I find that the State has disclaimed its obligation to make payment of gratuity which according to the State is payable and / or disbursed by the municipality. Insofar as pension is concerned, 40 per cent of the pension amount has already been sanctioned by the State as grant in aid to the municipality.
9. Having heard the learned advocates appearing for the respective parties, I note that a sum of Rs.4,52,608/- is due and payable to the petitioner on account of gratuity.

Ordinarily, gratuity is payable immediately on the retirement. In the instant case, the same has not been done. The Pension Payment Order, in fact, had been issued after one and a half year from the date of retirement.

10. This apart, the payment of Rs.2,00,000/- as regards gratuity has also been made in a staggered manner on different dates. Particulars of such payment as reflected in the report are extracted hereinbelow:-

“4. That in respect to the due gratuity the claim of the petitioner in the instant writ petition is Rupees, 6,52,608/- and the municipality paid the gratuity to the petitioner on the following dates

I. 23.11.2022 – 1,00,000.00/-

II. 06.05.2024 – 50,000.00/-

III. 13.06.2025 – 50,000.00/-

Total – 2,00,000.00/-

As such there is due of gratuity is amount of Rupees 4,52,608.00/-”

11. Having regard thereto, I am of the view that the municipality should forthwith take steps and disburse the entire gratuity amount along with interest at the rate of 10 per cent per annum on the balance amount by computing interest from the date when the same became payable, i.e., within 30 days from the date of superannuation, till such time the same is actually disbursed. The above payment should also be made within four weeks from the date of communication of this order.

12. Insofar as pension is concerned, I am of the view that the arrear pension must be disbursed as expeditiously as possible to the petitioner preferably within a period of four weeks from the date of passing of the order. Such arrear pension shall carry an interest at the rate of 6 per cent per annum.

13. With the above direction and observation, the writ petition is disposed of.
14. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)