

34 08.04.2025
AN Ct. No. 13

MAT 1593 of 2024
with
IA No. CAN 1 of 2024
CAN 2 of 2024
Raghunathpur Municipality & anr.
Vs.
Panchanan Singh & ors.

Mr. Ramkrishna Bhattacharya
... For the Appellants

Mr. Susanta Pal
Ms. Ananya Neogi
... For the State

In Re: CAN 1 of 2024

Sufficient grounds have been shown for delay of 303 days in preferring the instant appeal. We are satisfied with the reasons given for not preferring the appeal within the period of limitation. Delay in filing the appeal is condoned. CAN 1 of 2024 is **allowed**.

In Re: CAN 2 of 2024

The appeal is directed against the judgment and order dated 10.10.2023.

By the impugned order, the writ petitioner/respondent no. 1 who retired from service of the Raghunath Municipality was directed to be paid his terminal dues including pension and other benefits. Learned Single Bench has directed interest @ 6% per annum to be calculated from the date of arrears of pension had fallen due.

Learned counsel appearing for the respondent no. 1 submits that he is not even receiving the current pension.

Learned counsel appearing for the appellant Municipality submits that his client is willing to pay all the terminal dues to the respondent no. 1 but they are in shortage of funds. It is submitted that they have applied before the State Government for release of funds.

This Court is of the view that the same cannot be a ground for denying terminal benefits to the respondent no. 1 employee.

Having served the Municipality for a long period of time, respondent no. 1 can possibly have no source or get employment anywhere else. The right to terminal benefits is now recognized under Article 21 of the Constitution of India and is required to be paid. Any delay in paying the same would attract interest and penalties.

It is further submitted by the learned counsel appearing for the appellant Municipality that the delay in releasing the pension to the petitioner has occurred due to the failure of the writ petitioner employee to furnish documents, particularly, the life certificate. It is submitted that the pension has already been released to the writ petitioner/respondent no. 1 but learned counsel appearing for the respondent no. 1 denies the same.

In view of the aforesaid submissions made by the learned counsel appearing for the appellant Municipality, nothing further remains to be calculated in MAT 1593 of

2024 and the same stands **dismissed**. Consequently, CAN 2 of 2024 also stands dismissed. Interim order, if any, shall stand vacated.

There will be no order as to costs.

Urgent photostat certified server copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)