

12.11.2025
sayandeep
Sl. No. 08
Ct. No. 03

WPA 23597 of 2025

Asim Mukherjee & ors.
Vs.
State of West Bengal & ors.

Mr. Subir Ahmed
Mr. Dhiman Banerjee
Mr. Ezaz Ahmed

..... for the petitioners

Mrs. Sabnam De Bardhan
Mrs. Kakali Naskar

..... for the State

Mr. Sandipan Banerjee
Mr. Utsa Dutta

.... for the Suri Municipality

1. Learned advocate for the petitioners by placing before this Court a copy of the acknowledgement receipt issued by the Government of West Bengal would submit that the deficit Court fees has already been paid. Let the copy of the aforesaid receipt as placed before this Court by Mr. Banerjee be taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the respondent Nos. 5 and 6 to forthwith disburse the pensionary benefits payable to the petitioner Nos. 9, 12 and 16 as also for a direction upon the said respondents to release the gratuity payable to the other petitioners along with statutory interest. It is the case of the petitioners that the respective petitioners had been appointed in Suri Municipality on respective dates as

detailed in a chart appearing in paragraph 4 of the writ petition. The petitioners have since retired. The dates of retirement have also been indicated. Consequent upon their retirement, pension payment orders have also been issued indentifying the amount of gratuity payable to the respective petitioners. Unfortunately, till date, petitioners have not received the gratuity.

3. Though Mr. Banerjee, learned advocate representing the petitioners would contend that the respondents have not disbursed the pensionary benefits in favour of the petitioner Nos. 9, 12 and 16, unfortunately there is no averment to that effect in the writ petition.
4. Mr. Banerjee, learned advocate representing the Municipality would, however, by placing before this Court the communication dated 9th April, 2024 issued by the Chairman, Suri Municipality addressed to the Director of local bodies, Government of West Bengal would submit that although steps have been taken by the municipality to ensure early disbursement of arrear pension and gratuity by reasons of failure on the part of the State, the aforesaid payment could not be disbursed. Let a copy of the aforesaid communication dated 9th April, 2025 along with enclosure be retained with the file.
5. Mrs. Bardhan learned advocate appears for the State.

6. Having heard the learned advocates appearing for the respective parties and noting that the petitioners had admittedly discharged their duties during their respective service tenure in Suri Municipality and since upon reaching the age of superannuation and noting from the communication issued by the Suri Municipality dated 9th April, 2024 and the list attached thereto, I find that admittedly gratuity is payable in respect of several employees including the petitioners, along with arrear pension. I find that there is no dispute as regards the entitlement of the petitioners whose names appear in the list to receive gratuity and arrear pension. In the light of the above, I direct the respondents including the respondent Nos. 2, 3 and 4 to ensure immediate disbursal of the gratuity due and payable to the petitioners.
7. Noting that there is a delay of more than 5 years in payment of gratuity in several cases, I direct that arrear gratuity shall carry interest at the rate of 8% per annum from the date when the same became due till such time the same is actually disbursed. Similar direction shall also apply insofar as the arrear pension is concerned.
8. The petitioner nos.9, 12 & 16 have prayed for arrear pension. The claim of the petitioner no.12 is admitted as according to Mr. Banerjee, learned advocate for the Municipality, the name of the late husband of the petitioner no.12 appear under serial no.110 of the list

which has been filed in Court today. Accordingly, her case may be processed. Insofar as the petitioner nos.6 & 20 are concerned, though their names do not at all appear in list, and though no specific averment has been made in the petition, however, since, the learned advocate for the petitioners have identified pension payment orders issued in their favour which are annexed to the petition at page nos. 47 and 87 to establish their entitlements, I am inclined to direct the respondents to process the case of the petitioner nos.6 and 20 as well. Accordingly, the respondents are directed to process such PPO if found in order, and make available the requisite pension and gratuity along with the interest as directed above to the petitioners noted above.

9. The concerned respondents shall process payments as expeditiously as possible preferably within 8 weeks from the date of communication of this order.
10. With the above observations and directions, the writ petition is, accordingly, disposed of.

(Raja Basu Chowdhury, J.)