

28.04.2025
Sl. No. 18
Ct No. 3
SG

WPA 24134 of 2024

**Choto Arjun Nayek
Vs
The State of West Bengal & Ors.**

Mr. Partha Sarkar,
Mr. Abhijit Basu,
Ms. Megha Sarkar.
...for the petitioner

Mr. P.C. Das,
Mrs. Soma Chowdhury.
...for the Municipality

Mr. Sankar Halder.
...for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner has filed the present writ petition, being aggrieved by non-grant of retiral benefits even after his retirement on 31.12.2022. Learned Counsel for the petitioner states that PPO has been issued on 28.03.2025. A copy of the said instruction is also handed over to this Court as well as to the learned Counsel for the respondent-Municipality.
3. It is the case of the petitioner that he was appointed on 01.01.1987 in the post of Mazdoor as pre 92 casual workers on the basis of the resolution of the Board of Councilors of Baidyabati Municipality and subsequently absorbed against the sanctioned vacate

post with the approval of the Director of Local Bodies with effect from 01.06.1995 and till 31.12.2022, he worked in the said post as a permanent employee of Baidyabati Municipality and enjoyed all the financial benefits like other permanent employees of the said municipality which is also evident from the office order no. 20.... 2009/2010 dated 22.05.2009 issued by the Chairman Baidyabati Municipality.

The Director of Local Bodies, the Chairman, Baidyabati Municipality, under reference no. 114/D-13 (DA-1)/2017-18 dated 10.04.2019, submitted a statement of sanctioned staff statics of Baidyabati Municipality as on 01.04.2019, for assessment of salary D.A. grant for the year 2019-20. In the said statement the date of joining, approval order, category of the employee and their basic salary has been mentioned. It is further contended that from the said statement it was clearly evident that the name of the petitioner is appearing under serial no. 65, designation – Mazdoor, appointed on 01.01.1987 with the approval of DLB. In view of the above staff statics it has been established that the petitioner was appointed against sanctioned vacant post and awarded the scale of pay like other permanent employees of the said municipality.

The petitioner had an unblemished service record of more than 29 years with the respondent municipality and he had superannuated on 31.12.2002. Since the date of retirement till date, the final pension, gratuity and other retirement benefits have not been released by the municipality, save and except the provisional pension as granted by the Chairman of the Municipality under Memo No. 4031/B-16 dated 07.01.2023.

4. Learned Counsel for the respondent-municipality states on instruction that they shall release the gratuity amount within a period of eight weeks from the date of communication of this order.

5. Learned Counsel for the petitioner states that his client shall be satisfied if the same is done within a period of eight weeks as stated by the learned Counsel for the respondent-municipality.

6. In view of the aforesaid statement made by the learned Counsel for the respondent-municipality, this Court directs the respondent-municipality to release the said Pensionary benefits within the time specified by them i.e. within eight weeks from the date of communication of this order.

7. With the above direction, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)