

09.01.2025
Court No.23
ML/Item No.-265
[Milan, A.R. (Ct.)]

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28475 of 2023

Parbati Banerjee @ Bhattacharyya
versus
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Jamiruddin Khan
....for the Petitioner

Mr. Srihib Chakraborty,
Mr. Suryaneel Das
....for the UOI

Mr. Suman Basu
....for the respondent nos.7 & 8

Mr. Somnath Ganguly,
Ms. Priyamvada Singh
....for the State

The report in the form of an affidavit filed by respondent no.2 and another report also in the form of an affidavit filed by respondent nos. 7 & 8 filed in Court today are taken on record.

The issue which falls for consideration in the writ petition is releasing all the terminal benefits to the petitioner for the period she served the Director of Health Services, Government of West Bengal before migrating to ESI – PGIMSR and ESIC Hospital & ODC (E.Z.) on 13th September, 2017.

The petitioner joined the Director of Heath Service, Government of West Bengal on 13th April, 2005 and had served the department till 19th May, 2017. The ESI –

PGIMSR and ESIC Hospital & ODC (E.Z.) has taken a stand that it will not take the responsibility of the petitioner's past service between 2005 and 2017 rendered with the Director of Health Services, Government of West Bengal.

The respondent no.2 as well as the respondent nos.7 & 8, as appears from their respective affidavits, have agreed to pay directly to the petitioner all the terminal benefits accrued to her for rendering services between 2005 and 2017 with the Director of Health Services, Government of West Bengal subject to the clearance of the pension by the Sanctioning Authority being respondent no.9 in the writ petition.

It also appears from Memo No.1032 dated 29th May, 2018 appearing at page 14 of the report in the form of affidavit filed by the respondent no.2 that the particulars for processing the pension and the terminal benefits of the petitioner has been provided.

In the aforesaid facts and circumstances, this matter can be disposed of by directing the respondent no.9 to accord sanction to pay the petitioner directly and instruct the respondent nos.7 & 8 accordingly.

The exercise of according sanction by the respondent no.9 and intimating the respondent nos.7 & 8 should be completed with six weeks from the date of communication of a server copy of this order. Immediately upon receipt of such clearance but not

beyond 10 (ten) days, the respondent nos.7 & 8 shall pass necessary orders instructing disbursement of the terminal benefits to the petitioner with accrued interest at the rate of 6% from 20th May, 2017 till the date of actual payment.

The interest is to be paid as the petitioner became entitled to the terminal benefits immediately after 19th May, 2017 and the State respondents did not provide the money for issuance of pro-rata pension under the provisions of West Bengal Services (Death-cum-Retirement Benefit Rules, 1971 (in short, "DCRB") but have now agreed to pay the money thereby deriving benefit out of such money during this period.

The concerned Treasury Officer to whom the instructions will be given by the respondent nos.7 & 8 for actual payment of the money shall, as expeditiously as possible but not beyond 10 (ten) days from receiving the instruction, disburse the money to the petitioner.

Nothing further remains to be adjudicated in the writ petition. The writ petition is accordingly disposed of.

All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)