

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**RESERVED ON: 01.08.2025
DELIVERED ON: 12.08.2025**

**PRESENT:
THE HON'BLE MR. JUSTICE GAURANG KANTH**

WPA 30457 OF 2024

RAJU HELA

VERSUS

THE STATE OF WEST BENGAL & ORS.

Appearance:-

Mr. S.P. Pahari, Adv.

.....**For the Petitioner**

Mr. Tapas Kr. Ghosh, Adv.

Mr. Tanmay Chatterjee, Adv.

.....**For Respondent No. 4 to 7**

Ms. Sucharita De, Adv.

Mrs. Reshme Chatterjee, Adv.

.....**For the State.**

JUDGMENT

Gaurang Kanth, J. :-

- 1.** At the very outset, this Court records its deep anguish and serious concern over the wholly unjustified and prolonged delay in the disbursement of pensionary benefits to the Petitioner, a retired Group-D employee who has served the Respondent authority with 35 years of unblemished and dedicated service. Despite the lapse of 14 months since his superannuation, the Respondents have failed to release his lawful retiral dues, citing vague administrative lapses without offering any cogent explanation. The Petitioner, left with no other recourse, has been compelled to approach this Court for the enforcement of his rightful entitlements. Such inaction is not merely a

lapse in governance but a grave dereliction of statutory duty, amounting to a denial of the Petitioner's vested and enforceable rights. It is reiterated that pension is not a matter of generosity but a constitutionally and statutorily protected right. Delay in its disbursement, especially to employees who have served in the lowest rungs of public administration, is antithetical to the principles of justice, equity, and good governance.

2. With the above sentiments duly noted, this Court shall now proceed to consider and determine the merits of the present writ petition.

Submission on behalf of the Petitioner

3. It is the case of the Petitioner that he was initially engaged as a Coolie in the Respondent Municipality on 01.01.1987 based on the Resolution of P.H.S Standing Committee dated 11.12.1986. His appointment was confirmed w.e.f 01.03.1990 vide Resolution of FE standing Committee dated 12.02.1990 duly approved on 21.02.1990. A service book was prepared in his name, akin to those of other similarly circumstanced employees, and he was extended all service-related benefits, including those under the Assured Career Progression (ACP) scheme.
4. Prior to his superannuation, vide letter dated 29.08.2023, the Chairman of the Respondent Municipality informed the Petitioner that he would retire from service with effect from 31.05.2024 and was accordingly advised to approach the Establishment Section through the Health Department of the Municipality for facilitation of the pension sanction process. By way of the same communication, the Petitioner was directed to furnish his appointment letter, joining report, educational/technical qualification certificates, and birth certificate.

5. The Petitioner was superannuated from service on 31.08.2023. However, due to discrepancies and mismatch in the designation of the post held by the Petitioner, no pension has been sanctioned in his favour to date. The Petitioner, having rendered over 35 years of unblemished service, has approached this Court by way of the present Writ Petition, seeking appropriate relief.
6. The Petitioner vide letter dated 18.09.2024 requested the Respondent Municipality to take steps for the release of the monthly pension and other retiral dues to the Petitioner.
7. It is further the case of the petitioner that WPA 5703/2024 similarly situated employees before this Court challenging the inaction on the part of the Respondent Municipality for non releasing of pensionary benefits. In pursuance of the directions passed by this Court in the said matter, the Respondent Municipality to release the retiral benefits including the pension in terms of approval made by the Director of Local body dated 21.06.2024 for re-designating the Petitioner from Coolie to Conservancy worker.
8. Eventhough no Affidavits-in-Opposition have been filed by Respondent Nos. 4 to 7 (the Respondent Municipality), they have pointed that Affidavit in opposition has been filed in identical matter, WPA 14362/2024 and the same contention may be considered in the present matter. No Affidavit has been filed on behalf of the Respondent No. 2 (the Director, Local Bodies).

Submission on behalf of Respondent Nos. 4-7 (Respondent Municipality)

9. The Respondent Nos. 4 to 7, have supported the claims of the Petitioner. It has been affirmed therein that the Petitioner, along with 147 similarly situated persons, was initially appointed to the post of 'Coolie/Mathor' in the year 1981 by the then Chairman of the Respondent Municipality. The said

appointments were duly approved by the Finance and Establishment Standing Committee. The Petitioner and others regularly received monthly wages and continued in service until retirement on 31.08.2023. However, his pension and other retiral benefits have not been released to date.

- 10.** It has further been stated that in August 2017, the Director, Local Bodies, West Bengal, informed all Municipalities of the development of an i-OSMS for Urban Local Bodies pursuant to directives issued by the Urban Development and Municipal Affairs Department, Government of West Bengal. Subsequently, on 06.07.2018, the Officer on Special Duty and Ex-officio Special Director, Directorate of Pension, Provident Fund and Group Insurance (DPPG), West Bengal, issued instructions regarding documentation required for timely disbursement of pensionary benefits.
- 11.** On 13.09.2021, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, informed the Director, Local Bodies, that the e-pension facility for Municipal employees would be operational from 15.09.2021, and henceforth, all pension files were to be submitted via the e-pension portal; hard copies would no longer be accepted.
- 12.** On 23.07.2019, the then Chairman of the Respondent Municipality submitted a proposal to the Director, Local Bodies, West Bengal, seeking re-designation of 148 existing employees, including the Petitioner, from the posts of Coolie, Dome, Methor, Trailorman, and Jharuyali to the post of 'Conservancy Worker', along with supporting documentation. Reminder letters in this regard were issued by the Municipality on 08.11.2019, 25.11.2020, 04.11.2022, and 04.12.2023, requesting necessary action.
- 13.** On 15.05.2024, the Director, Local Bodies, West Bengal, raised certain queries and sought further documentation in support of the re-designation

request. The requisite information was furnished by the Respondent Municipality vide communications dated 07.06.2024.

- 14.** It is to be noted that eight retired employees among the aforesaid group of 148, whose re-designation was also pending, approached this Hon'ble Court by way of various Writ Petitions. In pursuance of the directions of this Court in those writ petitions (WPA 5736/2024, WPA 5703/2024, WPA 14362/2024, WPA 16329/2023, WPA 16334/2023, WPA 5684/2023 and WPA 5685/2024, WPA 5719/2024) the Respondent Municipality forwarded all the relevant documents to the Director, Local Bodies.
- 15.** Pursuant to the orders passed by this Hon'ble Court, the Director, Local Bodies, vide order dated 21.06.2024, permitted the re-designation of six of the said employees. The present Petitioner's name was also approved for the re-designation.
- 16.** Subsequently, the pension file of the Petitioner was uploaded in the official website of the Government of West Bengal.
- 17.** It was further stated by the Respondent Municipality that entire process has been completed and it is expected that within a short period of time the pension file will be approved by the competent authority and soon thereafter the pay fixation in terms of ROPA-2019 will be carried out and the pension will be released immediately thereafter.

Legal Analysis

- 18.** This Court heard the arguments advanced by the Petitioner and Respondent No.4-7 and perused the records.
- 19.** The Petitioner retired from service on 31.05.2024 after rendering 35 years of unblemished and dedicated service under the Respondent Municipality. Despite such long and commendable service, the Petitioner has been

compelled to run from pillar to post for the release of his lawful retiral dues. It is pertinent to note that the Petitioner was drawing monthly salary since 1987; however, the disbursement of his pension and other retiral benefits remained stalled solely on account of the failure of the Respondents to undertake the necessary re-designation of his post. Although the Respondent Municipality first sought approval for re-designation as far back as in 2019, no meaningful steps were taken thereafter, thereby forcing the Petitioner and other similarly placed employees to approach this Court for redressal. It was only after persistent representations and prolonged delay that the Director, Local Bodies, vide communication dated 21.06.2024, finally granted permission for the re-designation of the Petitioner's post. Yet, even after the passage of more than a year since such approval, the Respondents have failed to release the Petitioner's pension and retiral dues.

- 20.** This demonstrates a continuing and inexcusable administrative apathy on behalf of the Respondents. This Court finds it imperative to reiterate and firmly emphasize that pension is not a gratuitous benefit or bounty, but a vested constitutional and statutory right earned by an employee through decades of continuous, honest, and unblemished service to the institution and, by extension, the nation. Pension and other retiral benefits constitute deferred wages and are integral to the right to livelihood under Article 21 of the Constitution. These entitlements, once accrued, must be disbursed promptly and without delay. Any unwarranted postponement in the release of such dues not only causes immense hardship to retired employees, many of whom rely solely on these sums for their survival, but also undermines the dignity and respect owed to them. Administrative inefficiency, inter-departmental lapses, or procedural bottlenecks can never justify the

deprivation or deferment of these rightful dues. Such excuses are wholly untenable in law. All retired employees are to be treated with the utmost respect, and their legitimate claims must be honored expeditiously.

- 21.** In view of the clear stand taken by the Respondent Municipality, this Court directs the Respondent Municipality to complete the process and release the pension and other retiral benefits to the Petitioner within 4 weeks from the pronouncement of this order. If the Respondent Municipality failed to release the said amount within in the said time line, Petitioner will be entitled for 6% interest on the outstanding retiral dues from 01.09.2024 till the date of actual payment.
- 22.** This Court reiterates in the strongest possible terms that no further delay in the disbursal of retiral dues to the Petitioners and similarly situated persons shall be tolerated, as it would amount to a denial of their legally enforceable rights and a breach of the principles of fairness, equity, and justice.
- 23.** In light of the foregoing discussion and observations, the writ petition is accordingly disposed of with a clear direction to the Respondent authorities to ensure strict compliance with this order within the stipulated timelines. Non-compliance shall be viewed seriously and may invite further judicial consequences.
- 24.** Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Gaurang Kanth, J.)