

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

WPA 10237 of 2020

Sri Arup Kumar Bose & Ors.

v.

The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty

Mr. Dip Jyoti Chakraborty

Mr. Sumit Banerjee

... for the petitioner.

Mr. Satyajit Taludar

Mr. Arindam Chatterjee

... for the respondent no.3/KMDA.

Heard on: February 13 and 21, 2025.

Judgment on: February 26, 2025.

Ananya Bandyopadhyay, J:- The learned advocates representing the respective parties are present.

The petitioner nos.1 to 4 served the erstwhile Kolkata Improvement Tribunal presently Kolkata Metropolitan Development Authority in the capacity of Bench clerks, Nazir and Jamadar respectively, who retired from the respective posts on 31.01.2009, 31.03.2011, 31.05.2017 and 30.06.2017 respectively.

The grievance of the petitioners is restricted to the extent of receipt of gratuity. It had been contended that the petitioners were receiving gratuity of Rs.2,50,000/- after retirement in accordance to the Government Order No.1719-

UD/O/M/SB/P-1/2006 dated 14.05.2007. However, with subsequent introduction of ROPA Rules, 2009 and in consonance with the Memo No.201-F (Pen) dated 25.02.2009 issued by the finance department, the petitioners were entitled to receive gratuity to the extent of Rs.6,00,000/- on retirement, which they had not been granted till the date of filing of the writ petition. It was further contended by the learned advocate for the petitioners that certain retired employees had preferred a writ petition being W.P. No.24763 (W) of 2016 seeking for similar relief and the same was decided in affirmative by a Coordinate Bench of this Court by order dated 31st January, 2017, which, *inter alia*, opined that on time bound writ petition by the petitioners, named therein, the relief sought for, should be considered by the competent authority being the Principal Secretary of Finance Department, Government of West Bengal providing an opportunity of hearing and completion of the same passed necessary orders within a period of eight weeks thereafter.

The petitioners in the aforesaid writ petition being W.P. 24763 (W) of 2016 had approached the Principal Secretary Urban Development Department, the Principal Secretary, Finance Department and the Superintendent, Kolkata Improvement Tribunal complying the order dated 31st January, 2017 passed by a Coordinate Bench of this Court in the aforesaid writ petition through communication dated 6th November, 2017 and 1st December, 2017. Subsequently, the Urban Development & Municipal Affairs Department issued a communication dated 14th January, 2019 directing release of enhanced rate of gratuity from Rs.2,50,000/- to Rs.5,90,000/- exclusively with regard to the petitioners, who had been the retired employees to have instituted the writ

petition being W.P. No.24763 (W) of 2016 and not universally. The petitioners herein agitated to have been similarly circumstanced and sought for similar relief for enhancement of the rate of gratuity upon retirement from Rs.2,50,000/- to Rs.6,00,000/-.

The learned advocate representing the petitioners submitted that on 24th September, 2024, the Additional Secretary, Government of West Bengal Department of Urban Development and Municipal Affairs issued an order being No.2662-UDMA-11012(26)/61/2021-LS-UO Sect dated 24th September 2024, as per Hon'ble High Court order dated 31st January, 2017 in W.P. No.24763 (W) of 2016, which, *inter alia*, stated as follows :-

“The matter of enhancement of maximum amount of death/retiring gratuity in respect of the employees of KIT has been under active consideration of this Department in view of Hon'ble Court's Order dated 31.01.2017 in W.P. No.24763 (W) of 2016.

Now, in light of the observations and views of the Finance Department (Group-P1), Govt. of West Bengal, vide U.O. No. group P1/2024-2025/0342 dated 09.08.2024 the maximum amount of death/retiring gratuity is hereby raised from Rs.2.50 lakh to Rs.5.90 lakh with effect from 01.01.2016 for the employees of the KIT (Kolkata Improvement Tribunal). However, those employees already retired in between 01.01.2006 to 31.12.2015 may also be allowed Rs.5,90 lakh as retiring gratuity.”

The essence of the order, as delineated above, covered all the employees retired during 01.01.2006 to 31.12.2015, which included the present petitioners attributing and entitling the enhanced gratuity to the extent of Rs.5,90,000/- from 2,50,000/-

The learned advocate representing the KMDA conceded to the submission of the learned advocate representing the petitioners in abiding by the office memorandum, as aforesaid, without refutation.

The petitioners are to file fresh representation in the light of the office order, as mentioned above, seeking relief to be provided by the respondents before the Principal Secretary Urban Development Department, the Principal Secretary, Finance Department and other competent authorities to disburse the same expeditiously without any inordinate delay, since the petitioners are entitled to their legal dues. The concerned authority is to act upon their representations and disburse their legitimate claim within four weeks of receipt of the representation.

Accordingly, the instant writ petition being WPA 10237 of 2020 is disposed of.

(Ananya Bandyopadhyay, J.)

S.R.