

Form No.J(2)
Serial No.23
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**Present :
The Hon'ble Justice Aniruddha Roy**

WPA 1197 OF 2024

Madan Rumba

Vs.

State of West Bengal & Ors.

For the Petitioner : Mr. Mayank Bhandari, Adv.
Mr. Ved Rai, Adv.

For the Respondents/
State : Mr. Anirban Banerjee, Adv.
Mr. Sandip Guha Roy, Adv.

For the Respondent
Nos. 4 & 5/Kalimpong
Municipality : Mr. Ujjal Luksom, Adv.
Mr. Bikash Singha, Adv.

Heard On :
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September 1, 2025

Judgment on : September 1, 2025

Aniruddha Roy, J. :

1. Mr. Mayank Bhandari, learned Advocate appears for the petitioner.
2. Mr. Anirban Banerjee, learned Advocate appears for the respondents
State.

3. Mr. Bikash Singha, learned Advocate led by Mr. Ujjal Luksom, learned Advocate appears for the respondent nos. 4 and 5.
4. Rest of the respondents are not represented.
5. On the previous occasion a coordinate Bench by its order dated **June 13, 2025** directed the concerned municipality to file its report but no report has yet been filed. The report was initially directed to be filed on **June 20, 2024** and thereafter several orders have been passed neither the retiral benefits of the petitioner has been paid nor any report has been filed.
6. The petitioner has retired on **September 30, 2019**. The **Pension Payment Order** was issued on **January 3, 2024, Annexure-P6 at page 21** to the writ petition. Subsequently, a part payment of **Rs.7,35,000/-** has been made towards **Gratuity** leaving all other retiral benefits unpaid to the petitioner. The petitioner claims a total sum **over and above** of **Rs.40 lakh** payable to him.
7. In view of the above, the petitioner shall forthwith serve a copy of the writ petition along with a copy of today's order and all previous orders on the respondent no.5.
8. The respondent no.5 thereafter upon issuing a prior notice of **seven days** to the petitioner shall fix a date and time at his office on a working day when the respondent no.5 shall place a detailed **Statement of Accounts** on account of retiral benefits to be paid to the petitioner upon considering

the relevant records. The said **Statement of Accounts** shall be signed by the respondent no.5.

9. In the event the petitioner is satisfied with the said **Statement of Accounts**, the entire payment shall be released and paid to the petitioner positively within a period of **six weeks** from the date of the said **Statement of Accounts** to be furnished to the petitioner by crediting the bank account of the petitioner together with interest **@6% per annum** from the **immediate next date of retirement** to the **actual date of tendering of amount** to the petitioner. While preparing the said **Statement of Accounts** the **adjustment** should be given to the amount already paid to the petitioner and the **interest** shall be calculated on the **balance amount** remaining due and payable to the petitioner.
10. In the event, the petitioner raises any dispute with regard to the **Statement of Accounts** to be furnished to him by the respondent no.5, the petitioner shall make a representation with regard to the disputed amount **only** and the **admitted amount** shall be paid to the petitioner by the respondent no.5 within the aforesaid period of **six weeks with interest** as directed above.
11. In the event, such representation is submitted, the respondent no.5 shall decide the same with **correct facts and figures** on the basis of the records available within **seven days** from the date of receiving such representation. If any amount is found to be due and payable on such representation, the same shall also be paid by the respondent no.5 to the

petitioner together with interest @**6% per annum**, as directed above, but positively within a period of **two weeks** from the date of the decision to be taken on the representation.

12. These directions are **peremptory and mandatory**.
13. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
14. With the above observations and directions this writ petition, **WPA 1197 of 2024** stands **disposed of**, without any order as to costs.
15. The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)