

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2679 of 2024

**Manmatha Nath Paul
-versus
The State of West Bengal & Ors.**

**Mr. Sakti Pada Jana,
Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Subir Kumar Saha, AGP,
Mr. Kumar Shantanu.
...For the State.**

**Mr. Sourav Ganguly,
Ms. Deblina Ray,
Ms. Rishita Chakraborty.
...For the Respondent
Nos. 7 & 8.**

1. The petitioner is a retired Group-D staff. His service was approved with effect from 18th May, 1979 and he retired from service on attaining his normal age of superannuation on 31st December, 2016 after completion of 37 years 7 months 13 days in service.

2. Benefit, however, was given to the petitioner only for a period of 33 years relying on the memo of the Finance Department, Pension Branch being No. 536-F(Pen) dated 1st October, 2019.

3. Learned advocate appearing on behalf of the petitioner submits that the petitioner ought to be granted terminal benefit in respect of the entire period of service and not limited only to 33 years.

4. The petitioner relies on an order passed by this Bench in WPA 2081 of 2024 on 24th September, 2024 in the matter of Anjali Chakraborty –versus- The

State of West Bengal & Ors. wherein, under similar set of facts, the Court was pleased to direct the authority to recalculate the qualifying service period of the petitioner. Prayer has been made to grant similar relief.

5. Learned advocate appearing on behalf of the State respondents refers to the memorandum dated 1st October, 2019 relying which the petitioner's terminal benefit has been calculated.

6. The memo mentions that for qualifying service of more than 20 years or more, the rate of death gratuity shall be paid at a maximum of 33 times of the last drawn monthly emoluments.

7. It appears that the authority has misinterpreted the memorandum dated 1st October, 2019 and has applied the benefit of death gratuity in respect of a superannuated teacher. Death gratuity benefit is payable only when an employee dies-in-harness. Such is not the case here.

8. The said memo mentions that, in respect of gratuity, the maximum limit is rupees twelve lakh only, but in case of death gratuity where the qualifying service is more than 20 years, then the same has to be calculated 33 times of the last drawn monthly emolument.

9. In the instant case, the authority has admitted that the petitioner has served 37 years 7 months and 13 days. The benefit to be calculated in respect of the petitioner will be for his entire period of service not restricted to 33 years only. The gratuity amount, however, shall not exceed rupees twelve lakh.

10. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (PE), Jalpaiguri to recalculate the terminal benefit of the petitioner within four weeks from the date of communication of this order by taking into consideration his entire period of service of 37 years 7

months and 13 days and forward the documents to the DPPG, Uttar Kanya immediately thereafter for issuance of revised PPO for disbursal of the terminal benefit in his favour at the earliest.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)