

11. 09.02.2026.
Court No.03.
(M/L)
(Pritam)

WPA 1727 of 2025.

Mirarani Bhaduri.

-Vs.-

State of West Bengal & Ors.

Mr. Srikanta Datta,
Mr. Pradyut Kumar Ray.

.....for the petitioner.

Mr. Pinaki Dhole,
Mr. Avishek Prasad.

.....for the State.

Mr. Usuf Ali Dewan,
Mr. Asif Dewan.

....for the respondent no.5.

1. The present writ petition has been filed, *inter alia*, praying for a direction upon the respondents and in particular the Chairman, Jiaganj-Azimganj Municipality to submit the pension papers of the petitioner upon obtaining necessary approval from the Director, Pension, Provident Fund and Group Insurance, West Bengal, the respondent no.6 herein.
2. Records would reveal that the petitioner was appointed as a helper in Jiaganj-Azimganj Municipality on 8th July, 1991 vide letter of appointment dated 6th July, 1991. According to the petitioner, the Director of Local Bodies, West Bengal vide Memo dated 29th March, 2010

had granted approval to the petitioner's appointment, whereupon in terms of Section 53(2) of the West Bengal Municipal Act, 1993 (hereinafter referred to as the "said Act") the municipality vide letter dated 20th April, 2010 had appointed the petitioner, a casual worker, in the municipality to the post of helper, in a particular scale of pay as morefully appearing in such letter.

3. The petitioner has since superannuated from the service on 31st May, 2021 in the afternoon. The petitioner complains that notwithstanding the petitioner serving the municipality under the sanctioned post, the pension papers of the petitioners have not been processed.
4. The municipality is represented. The learned advocate for the municipality by placing before this Court a letter dated 27th January, 2026 noted that the original service book of the petitioner has now been submitted before the Director of Local Bodies, West Bengal. According to him, there has been delay. However, the process for consideration of the petitioner's case has already started.
5. The State is represented.
6. Having heard the learned advocates for the respective parties and noting that the petitioner was appointed initially as a casual worker and later was appointed with the approval of the Director of Local Bodies dated 29th March, 2010, in the municipality towards a

sanctioned post of helper with effect from 20th April, 2010, I am of the view that the petitioner's pension paper must forthwith be processed by the respondents.

7. Although the municipality would submit that the petitioner's papers have been forwarded to the Director of Local Bodies on 27th January, 2026, I find that there is no explanation for the delay as to why the aforesaid papers have been forwarded after almost 4.5 years from the date of superannuation of the petitioner. The explanation given by the learned advocate for the municipality that since the petitioner was getting provisional pension, the delay does not prejudice the petitioner, in my view, is not a sufficient explanation.
8. Be that as it may, having considered the matter in its entire perspective, the respondents cannot be permitted to withhold the pensionary benefits that are legally payable to the petitioner on his superannuation from the service in the municipality. Since, admittedly, the petitioner was working under a sanctioned post which had the approval from the Director of Local Bodies, West Bengal vide memo dated 29th March, 2010 there can be no justification to delay the processing of the petitioner's file.
9. Having regard to the above, the writ petition stands disposed of with a direction upon the respondents to forthwith process the petitioner's pension papers as

expeditiously as possible preferably but not later than 4 weeks from the date of communication of the order.

10. All consequential benefits shall follow.

(Raja Basu Chowdhury, J.)