

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7637 of 2025

Milon Roy
Versus
The State of West Bengal & Ors.

Mr. Partha Sarkar
Mr. Abhijit Basu
Ms. Megha Sarkar

... For the petitioner.

Ms. Bratati Roy Chowdhury
... For the State.

Mr. Phatick Chandra Das
Mrs. Soma Chowdhury Bandhu
... For the Municipality.

1. The petitioner claims to be the retired employee of Baidyabati Municipality. He was initially appointed on 1st October, 1989, in the post of helper as pre 92 casual workers. Subsequently, the Chairman, Baidyabati Municipality as per the direction of the Director of Local Bodies sent a list of pre 92 casual workers, including the name of the petitioner. Pursuant thereto, the Director of Local Bodies & Ex Officio Joint Secretary, Government of West Bengal vide memo dated 15th December, 2003 accorded approval under Section 54(3) of the West Bengal Municipal Act, 1993 for appointment of 60 nos. of pre 92 casual workers in the posts as mentioned against each of them in the Annexure-A. Still later, the Chairman, Baidyabati Municipality had issued a letter vide office order no.40 of 2009/10 dated 22nd May, 2009 wherefrom

it transpires that pursuant to the memo dated 8th March, 2005 issued by the Director of Local Bodies and Ex-Officio Joint Secretary, Government of West Bengal that the petitioner was absorbed against sanctioned post of Road Coolie in a scale of pay as morefully indicated therein. Subsequently, the petitioner having successfully completed his service career of thirty years, retired on 30th April, 2024. Although, in terms of the West Bengal Municipal Employees Death cum Retirement Benefits Rule 2003, the municipality is obliged to release pension and other retiral benefits immediately after retirement, in the instant case, only ad hoc pension has been released. Despite making repeated representations since the petitioner's grievance has not been redressed, the present writ petition has been filed.

2. Learned advocate representing the State by placing before this Court a communication dated 26th March, 2025 addressed to the Chairman, Baidyabati Municipality by the Director of Local Bodies, West Bengal, would submit that since in the instant case there is a mismatch of the name of the employee in the portal with that of approval order, the matter could not be processed further and accordingly, the municipality was called on to take adequate steps and submit an affidavit in this regard.

3. Let a copy of the aforesaid communication dated 26th March, 2025 be taken on record.

4. The municipality is represented. The learned advocate representing the municipality would submit that in furtherance to the aforesaid communication dated 26th March, 2025, the municipality has taken all necessary steps and updated the name of the petitioner on the portal. In support of the above, a printout of the screenshot of the uploaded document has been placed before this Court, which is also taken on record.

5. Having heard the learned advocates appearing for the respective parties, I am of the view that the petitioner cannot be made to suffer for reasons of mismatch of his name on the portal with that of the approval order. It is for the respondents to act in tandem and to rectify the same. Although the municipality would claim by placing the screenshot of the portal that it has uploaded necessary documents, I am of the view that this matter can be disposed of by directing the municipality and the Director of Local Bodies and the Director of Pension to act in tandem with one another and to ensure that the Pension Payment Order (PPO) is issued in favour of the petitioner as expeditiously as possible but not later than six weeks from the date of communication of this order.

6. All necessary formalities must be completed by the municipality as also the Director of Local Bodies and the Director of Pension which may be necessary for issuing the PPO.

7. The petitioner is also directed to cooperate. It is expected once, the PPO is issued, all consequential retiral

benefit shall forthwith be disbursed in favour of the petitioner.

8. With the above observations and directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)