18
25.11.2026
Ct. No.444
J.Das

WPA 9460 of 2026

Bharati Hazra
Vs.
The State of West Bengal & Ors.

Mr. Probal Sarkar
Mr. Sk. Kiran
...For the petitioner

Mr. Bipul Kumar Mandal
...For the State

Mr. Sayantan Hazra
Mr. Subrata Ghosh
...For the Municipality

1. The instant writ petition has been filed seeking a direction to the concerned Municipal Authority to forthwith release the due arrears of monthly pension amounting to Rs.50,000/-, and to release the balance sum of retiring gratuity amounting to Rs.91,339/- to the petitioner as per the P.P.O. No.MUN/M/MSD/03663/2009 dated 29th July 2009 under ROPA-1998 issued in favour of the petitioner, along with interest @ 18% per annum.
2. Learned counsel appearing on behalf of the petitioner submits that the writ petitioner was a Group – D employee of the concerned municipality and retired from his service on 31st August, 2008. Thereafter, there was a three-month delay in paying the compensation. He further submits that only a very small amount in respect of the gratuity has been disbursed; the rest of the sum of Rs.91,339/- is still unpaid, as a result of which the instant writ petition

has been filed seeking a direction upon the authority to disburse the admissible payable amount to the petitioner forthwith.

3. Learned Advocate appearing on behalf of the municipal authority, in his usual fairness, submits that the claim raised by the petitioner is legally valid. Due to the paucity of funds of the concerned municipality, it could not be disbursed. He further submits to remit the interest component and undertakes that, within a period of 6 months, the remaining gratuity amount will be paid.
4. Learned counsel appearing on behalf of the State stated that all the retirement benefits, including the gratuity amount, have already been disbursed to the municipal authority.
5. Considering the submissions advanced by the parties, this Court is of the opinion that the municipal authority will disburse the remaining gratuity amount within a period of three months from the date of this order; in default, the municipal authority will pay interest @ 12% per annum until the date of disbursal of the gratuity amount.
6. The arrears of the pension are to be paid within a period of four months, as the petitioner is already enjoying the pension. In default, the authority will pay interest @ 12% per annum till the disbursal of the arrears of pension.
7. In view of the above, the writ petition stands disposed of.

8. There shall be no order as to costs.

9. Parties to act on the basis of the server copy.

10. An urgent certified photostat server copy of this order be supplied to the parties upon compliance with all necessary formalities.

[Atarup Banerjee, J.]