

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10861 of 2025

Sk. Tabrejulla
Versus
The State of West Bengal & Ors.

Mr. S.P. Pahari
... For the petitioner
Mr. Nilanjan Adhikari
Ms. Oindrila Sinha
Mr. Manaranjan Mitra

... For the municipality.

1. The present writ petition has been filed, inter alia, praying for a direction upon the municipality to release the gratuity amount payable to the petitioner. The petitioner claims to have been appointed in Kontai Municipality as a clerk. After discharging his duties with the Kontai Municipality, the petitioner has superannuated from service on 31st July, 2024.
2. The learned advocate for the petitioner by drawing attention of this Court to the pension payment order issued by the Directorate of Pension, Provident Fund and Group Insurance digitally signed on 11th December, 2024 would submit that petitioner is entitled to a retiring gratuity of Rs. 7,30,000/-. According to him, apart from initial payment of Rs. 50,000/- and the subsequent payment of another 50,000/- which has been paid

during the pendency of the writ petition, no other sum has been paid to him. According to him, he is entitled to gratuity immediately on his retirement. Notwithstanding the above, the municipality has been withholding the same.

3. The Learned advocate representing the municipality on the other hand acknowledge the fact that the petitioner is entitled to a retiring gratuity of Rs. 7,30,000/-. According to the instruction available to the learned advocate for the municipality, the sum of Rs. 1,00,000/- has already been disbursed in favour of the petitioner. He would submit that this Court may be pleased to provide installments to the municipality for disbursement of the entitlement of the petitioner and he submits that the municipality shall pay the same along with statutory interest.
4. Having heard the learned advocates appearing for the respective parties and noting that gratuity is payable immediately upon retirement, I am of the view that municipality cannot be permitted to withhold the rightful entitlement of the petitioner. In matters pertaining to payment of gratuity ordinarily no installments can be allowed. Having regard thereto, while rejecting prayer for installment, I direct the municipality to forthwith disburse the entire outstanding amount of gratuity payable to the petitioner along with

statutory interest at the rate of 10% on the outstanding sum from the date when the same had fallen due till such time the same is actually disbursed. The entire amount should be paid within a period of 4 weeks from the date of communication of this order.

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

(Raja Basu Chowdhury, J.)