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16.02.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13844 of 2025

Asim Kumar Jana
Versus
The State of West Bengal & Ors.

Mr. Anup Kumar Lahiri
Dr. Bishnupada Dutta
Mr. Shamik Bagchi
... For the petitioner

Mr. Susanta Kumar Mukherjee
Mr. Nikhil Kumar Gupta
... For the State.

Mr. Nilanjan Adhikari
Ms.Oindrila Sinha
Mr. Manoranjan Mallick
... For the respondent nos. 5 to 8

1. The instant writ petition has been filed inter alia praying for a direction upon the respondents to compute retiral benefits of the petitioner from the date of first joining i.e. from 1st September, 1985 and for a direction upon the concerned respondents to issue Pension Payment Order.
2. Pursuant to the order dated 27th January, 2026, the municipality is represented and has filed a report in the form of an affidavit, and would submit that the Pension Payment Order has already been issued.
3. Let the report filed on behalf of the municipality is taken on record.

4. According to such report, the municipality has already disbursed the arrear pension to the petitioner on 25th February, 2025 and on 25th July, 2025 to the extent of Rs.63,000/- and Rs.61,790/- aggregating to Rs.1,24,790/-. This apart, it is contended, since according to the Pension Payment Order the gross outstanding gratuity works out to Rs.2,17,536/, the entire amount has been disbursed in favour of the petitioner – on 7th April, 2022 to the extent of Rs.2,00,000/- and the balance amount of Rs.17,536/- on 13th June, 2025.

5. The State has also filed a report in this matter which is also taken on record.

6. Having heard the learned advocates appearing for the respective parties, it would transpire that the writ petition was filed on 21st June, 2025. According to the learned advocate for the petitioner though the Pension Payment Order was issued on 7th March, 2025 the same was served on the petitioner subsequent to filing of the writ petition. According to the learned advocate for the petitioner the determination already made in the Pension Payment Order is based on computation of only 12 years service. The gratuity and pension have been computed for a period of 12 years only though the petitioner has worked beyond such period.

7. Considering the fact that payment has already been made in terms of the above Pension Payment Order and since the challenge to the computation of service

tenure would constitute a separate cause of action, I am of the view there is no scope for the petitioner to continue with the present challenge and enlarge the scope of the writ petition.

8. The writ petition accordingly stands disposed of without any further order leaving it open to the petitioner to take recourse against the same before the appropriate forum, if so advised.

(Raja Basu Chowdhury, J.)