

09. 17.03.2026.
Court No.03.
(Pritam)

WPA 15241 of 2025.

Mithu Das Saha.

-Vs.-

State of West Bengal & Ors.

Ms. Tulsi Das Maiti.

.....for the petitioner.

Mr. Vijay Agarwal, (VC),

Mr. Prashant Kumar Tripathi, (VC).

....for the State respondents.

Mr. Swapan Kumar Mazumdar,

Mr. Saptarshi Mazumdar.

.....for the Nabadwip Municipality.

1. Pursuant to the order dated 24th February, 2026, separate reports in the form of affidavit filed by the respondent nos.3 and 5 in Court today are taken on record.
2. The present writ petition has been filed, *inter alia*, praying for a direction upon the respondents to act in accordance with law and to make payment and release the arrear of family pension and provident fund and gratuity in favour of the petitioner.
3. The petitioner is the widow of the deceased employee of Nabadwip Municipality who had since died on 19th June, 2024, while in service. According to her, the date of retirement of the petitioner's husband was 31st July,

2024. In support of her contention, reliance has been placed on the death certificate issued by the Bidhannagar Municipal Corporation and the Pension Payment Order (PPO) dated 12th April , 2024. As per the P.P.O., the retiring gratuity has been determined to be Rs.6,34,752/- along with family pension.

4. Independent to the above, the petitioner has also lodged a claim for disbursal of provident fund dues which according to the petitioner has been wrongly withheld by the municipality to the extent of Rs.3,50,000/-. Both the municipality as also the Director of Pension Provident Fund and Group Insurance have filed separate reports.
5. From the report filed by the respondent no.3, it would transpire that the factum of issuance of the Pension Payment Order (PPO) in favour of the husband of the petitioner stood affirmed. Incidentally, there is no indication as to whether any step has been taken for issuance of any fresh Pension Payment Order (PPO) in favour of the petitioner consequent upon the death of her husband.
6. The Chairman, Nabadwip Municipality the respondent no.5, has also filed a report. In the said report, it has been claimed that the husband of the petitioner has defalcated money payable to the municipality and that the claim of service benefit payable to the petitioner's husband is less than the amount of defalcation though

the exact amount is not known to the municipal authorities.

7. Apart from making such bold statements in the report, no particulars of the defalcation amount have been indicated. The report does not indicate whether any disciplinary proceeding had been initiated against the petitioner's husband during his lifetime.
8. The petitioner's husband has died on 19th June, 2024. If during his lifetime no proceeding had been initiated against the petitioner's husband and the municipality having not bothered to initiate any criminal proceeding against him, subsequent to his demise and that to after the employer-employee relationship having come to an end, no proceeding can be initiated against the petitioner's husband.
9. Accordingly, having regard to the fact that the Pension Payment Order (PPO) has already been issued in favour of the deceased employee, I am of the view that the municipality should forthwith disburse the gratuity payable in favour of the widow of the deceased employee who happens to be the petitioner and whose name also stands recorded in the P.P.O.
10. Let the aforesaid gratuity amount be disbursed in favour of the petitioner within a period of two weeks from the date of communication of this order along with statutory interest @ 10% calculated from the date when

the same became due, i.e., on the date of death of the petitioner's husband till actual payment thereof.

11. The municipality is directed to take appropriate steps for forwarding petitioner's papers to the respondent no.3 for issuance of Pension Payment Order (PPO) in favour of the petitioner.
12. The aforesaid exercise must be completed within a period of 4 weeks from the date of communication of this order. Both the respondent no.3 and the Chairman, Nabadwip Municipality, including the Executive Officer of the said municipality should act in tandem for giving effect to the above direction.
13. Insofar as the claim for provident fund is concerned, such issue is not being decided in the present proceeding. The petitioner shall be at liberty to apply before the provident fund authorities to take appropriate steps in the matter, in the event the provident fund is not disbursed.
14. With the above observations and directions, the instant writ petition is disposed of.
15. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Raja Basu Chowdhury, J.)