

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17680 of 2025

Goutam Sarkar
Versus
The Baidyabati Municipality & Ors.

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

... For the petitioner.

Mr. Phatick Chandra Das
Ms. Soma Chowdhury Bandhu
Mr. Anurag Chatterjee

... For the Municipality.

1. The instant writ petition has been filed seeking for a direction upon the municipality for disbursal of post retiral benefit.
2. When this matter was taken up for consideration, a Coordinate Bench of this Court was inter alia pleased to pass the following order:-

“1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner has preferred the present writ petition seeking direction upon the respondent-Baidyabati Municipality to release the arrears of pension and gratuity amounting to Rs.8,68,547/- together with interest at the rate of 7% per annum from the date of retirement till the date of actual payment.

3. It is the case of the petitioner that he was an employee of the respondent-Baidyabati Municipality. He retired from service on

31.01.2020. The Pension Payment Order (PPO) was issued on 16.08.2022. According to the said Pension Payment Order (PPO), the petitioner is entitled to gratuity amounting to Rs. 6,18,750/- and Rs. 18,750/- towards pension. The petitioner contends that even though he is getting monthly pension, he has received only Rs.2,00,000/- out of Rs.10,68,547/- towards the gratuity amount and arrears of pension. Hence, he submits that an amount of Rs. 8,68,547/- is still outstanding. The petitioner has made several representations before the respondent Biadyabati Municipality, but the same have not been acted upon.

4. Learned counsel for the respondent-Baidyabati Municipality seeks and is granted two weeks time to file report by way of an affidavit. Exception to the same, if any, be filed one week thereafter.

5. Let this matter appear on 07.11.2025.

3. The municipality is represented. The learned advocate for the municipality has placed before this Court a statement showing calculation of arrear pension and gratuity. Let the same be taken on record.

4. From the above statement, it would transpire that the entire amount of gratuity payable to the petitioner remains outstanding. Insofar as arrear pension is concerned a sum of Rs.1,38,400/- has already been disbursed in favor of the petitioner thereby leaving an outstanding amount of Rs.4,49,797/-.

5. Having heard the learned advocates appearing for the respective parties and having considered the materials on record I find that admittedly the entire gratuity amount is due and payable. It is well-settled that gratuity cannot be held back without a just cause and is payable immediately on retirement. Accordingly, I direct the municipality to forthwith disburse the entire amount of gratuity to the extent of Rs.6,18,750/- along with statutory interest at the rate of 10 per cent per annum on the entire outstanding sum calculating from the date when the same became due i.e. on his retirement till such time the same is actually paid.

6. Insofar as arrear pension is concerned, the same shall also carry an interest at the rate of 6 per cent per annum.

7. Accordingly the municipality is directed to make payment of the entire sum as directed within a period of eight weeks from the date of communication of this order.

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.)