

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17665 of 2025

Subhas Gupta
Versus
The Burdwan Municipality & Ors.

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

... For the petitioner.

Mr. Subhasis Bandopadhyay
... For the Municipality.

1. The instant writ petition has been filed complaining inaction on the part of the Burdwan Municipality not releasing the arrear pension and gratuity as payable to the petitioner.
2. Records would reveal that the petitioner was an employee of Burdwan Municipality. He retired from service upon attaining the age of superannuation on 31st March, 2022.
3. Following the above, a Pension Payment Order (PPO) was issued on 4th April, 2024. As per the PPO the petitioner is entitled to the gratuity to the extent of Rs.4,30,257/-. According to the petitioner though he is getting monthly pension, the gratuity and arrear pension have not been released till date.
4. When the matter came up for consideration by an order dated 17th September, 2025, a Coordinate Bench of

this Court had granted an opportunity to respondents to file a report. Pursuant to such leave, the municipality has filed a report which is taken on record. As per the report, the municipality has already paid a sum of Rs.1,31,513/- on account of gratuity to the petitioner and the outstanding gratuity is Rs.2,98,744/-. The report further records that the outstanding arrear pension is Rs.2,15,082/-.

5. Having heard the learned advocates appearing for the respective parties, I am of the view that since the aforesaid amount is admitted, the municipality must forthwith make payment of the same. It is well-settled that gratuity cannot be held back without just cause and must be paid immediately upon retirement. Accordingly, I direct the municipality to forthwith disburse the outstanding gratuity amount 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. Although the learned advocate for the municipality at this stage would pray for instalments to make payment of the aforesaid amount, I am of the view

that the Court cannot at the cost of the petitioner permit the municipality to make payment in instalment. Accordingly the municipality is directed to make payment of the entire sum as directed within a period of six weeks from the date of communication of this order.

6. 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.)