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Ct.3.

WPA 25762 of 2026

Sri Kamal Bikas Das
Versus
The State of West Bengal & Ors.

Mr. Tulsi Das Ray
Mr. Tirthankar Roy
... For the petitioner
Mr. Parashar Baidya
... For the respondent Nos. 4-5
Mr. Sujit Mitra
Mr. Monojit Chakraborty
..... for the State

1. The present writ petition has been filed praying for a direction upon the municipality to disburse the arrear pension along with interest and the current pension in favour of the petitioner which has remained outstanding since September, 2025. According to the case made out by the petitioner, the petitioner was appointed in the post of cashier by Taherpur Notified Area Authority (TNAA). After successfully completing his service career, the petitioner retired from service on 30th June, 2013. Although, a Pension Payment Order (PPO) has been issued in favour of the petitioner on 8th November, 2013, the TNAA all on a sudden has stopped making payment of the pension payable in favour of the petitioner.

2. The TNAA is represented and would orally submit that the TNAA has no funds. No documents have however, been disclosed by the TNAA to demonstrate the financial position of the TNAA. It is also not been clarified by the learned advocate for TNAA whether the present staff of

the TNAA are being disbursed their salary on regular basis. He has made two fold submissions, i.e., firstly, he would submit that the direction for the payment of arrear pension should be without interest considering the financial position of the TNAA and secondly, appropriate direction should be issued on the State to make payment of the pensionary benefits.

3. As noted above, the respondent No. 4 is an urban local body constituted under the West Bengal Municipal Act, 1993 (in short, the "said Act"). The advocate for the respondent No. 4 has, however, not disclosed any documents regarding its financial position, no representation made to the State authorities seeking financial assistance has also been disclosed.

4. Having regard to the provisions contained in Sections 67, 71 and 72 of the said Act, I find that though the municipality can maintain its own fund, the municipality can also seek financial assistance from the State and also take loans. In the instant case, the TNAA has failed to demonstrate that it had applied before the State for assistance to defray the pensionary benefits.

5. On the contrary, the learned advocate for the State by placing before this Court a report dated 18th August, 2026 prepared by the Joint Secretary, Urban Development and Municipal Affairs, would submit that the 40% of the total pensionary claim, has already been disbursed insofar as the respondent No. 4 is concerned.

6. Having heard the learned advocates appearing for the respective parties and having considered the materials on record including the Pension Payment Order (PPO) and noting that pension is only a deferred benefit payable to the employee after his retirement, I am of the view that the respondent No. 4 functioning as a municipality cannot be permitted to hold back the same on the guise of financial stringency. If, the TNAA is in want of funds, the TNAA ought to take appropriate steps in terms of the provisions contained in the said Act as noted hereinabove. The petitioner cannot be made to suffer as the means of his livelihood after his retirement cannot be denied or delayed. The petitioner also must be compensated for the delay.

7. Accordingly, the writ petition is disposed of by directing the TNAA to make payment of the entire arrears on account of pension in terms of the Pension Payment Order (PPO) dated 8th November, 2013 within a period of four weeks from the date of communication of this order.

8. The respondents must make payment of the current benefits as are payable to the petitioner forthwith. In this context, the respondent Nos. 2 and 3 are also directed to ensure compliance of the above order by taking up the aforesaid issue with the respondent No. 4.

9. The petitioner shall be entitled to interest on delayed payment of pension at the rate of 8% per annum

from the date when the same remained outstanding till such time, the same is actually paid.

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

(Raja Basu Chowdhury, J.)