

28.01.2026
sayandeep
Sl. No. 12
Ct. No. 03

WPA 27913 of 2025

Somnath Das Adhikary
Vs.
The State of West Bengal & ors.

Mr. Ravi Kumar Dubey

..... for the petitioner

Mr. Nilanjan Adhikari

Ms. Oidmila Sinha

.... For the respondent Nos. 4,5,6,7

Mr. Ziaul Islam

Mr. Kartick Ch. Kapas

.... For the State

1. The affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to disburse Rs. 6,30,000/- on account of balance amount of gratuity to the petitioner. The petitioner would contend that the petitioner was appointed as a sanitary assistant in Kontai municipality and had successfully served the municipality until his retirement on 30th June, 2024.
3. The records would reveal that the Directorate of Pension, Provident Fund and Group Insurance has since issued e-pension payment order wherein the amount of retiring gratuity has been determined to be Rs. 7,30,000/. According to the petitioner, he has only received a sum of Rs. 1,00,000/- and in support thereof, he has placed before this Court the bank statement. The municipality is represented. It appears

that despite representations made by the petitioner, the municipality has not acted on the basis of such representations. It is well settled that gratuity is payable immediately after the retirement. In the instant case, though the petitioner has retired long back and though e-pension payment order has been issued, which is not disputed by the learned advocate for the respondents, the gratuity is yet to be disbursed. I am of the view that the respondent cannot be permitted to hold back the legal entitlement of the petitioner in the form of gratuity.

4. In the light of the above, I direct the concerned officials of the municipality being the respondent Nos. 4 to 7 to forthwith take steps and disburse the balance amount of gratuity payable to the petitioner along with statutory interest at the rate of 10% per annum. The petitioner must be favoured with a chart showing computation of interest. The interest shall be computed from the date when the same become due till such time the above is actually paid. The entire exercise of computation and disbursement of payment with the chart should be made within four weeks from the date of communication of this order.
5. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)