

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10307 of 2025

Dasurathi Hari
Versus
The Chairperson, Serampore Municipality & Ors.

Mr. Tapas Kumar Majumder
Mr. Partha Pratim Bhattacharya
... For the petitioner.

Mr. Gautam Lahiri
... For the municipality.

1. The matter pertains to non-payment of gratuity. The petitioner claims that the petitioner was an employee of Serampore Municipality and has retired from service on 30th August, 2023, upon reaching the age of superannuation. Subsequent to his retirement, though Pension Payment Order (PPO) was issued on 17th September, 2024 i.e. more than a year after his retirement, he is yet to be paid the entire gratuity that has been determined.
2. When this matter was taken up for consideration on 16th September, 2025, a coordinate Bench of this Court had directed the municipality to file a report by way of an affidavit clearly identifying the amount which has been paid and the amount which is due to the petitioner.
3. Pursuant to the above direction, a report in the form of an affidavit affirmed on 7th November, 2025 has been filed in Court today, which is taken on record.

4. From the aforesaid affidavit, it would transpire that the municipality has since taken a decision to make payment of part of the gratuity to the extent of Rs.2,85,437/- out of the total amount of Rs.7,13,592/-. Such payment has been made on 27th August, 2025. In paragraph 4 of the affidavit it has been stated that the balance amount of gratuity shall be paid to the petitioner as early as possible, preferably within a period of four months. The affidavit was affirmed on 7th November, 2025, more than four months have elapsed therefrom. Learned advocate for the municipality has no explanation to offer why the payment has not been made so far.

5. In the peculiar facts, I direct the municipal authorities to forth with make payment of the entire outstanding amount of gratuity along with statutory interest at the rate of 10 per cent per annum on the outstanding sum from the date when the same became due i.e. immediately on retirement till such time the same is actually disbursed. The payment should be disbursed along with a computation. The municipality shall also pay interest on the sum of Rs.2,85,437/- at the same statutory rate for the period of default.

6. Since the learned advocate for the municipality has submitted that Board of the municipality has been dissolved and the Administrator has taken charge, I am of the view that all parties including the Administrator shall abide by the direction contained hereinabove.

7. 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.)