
(2020) 03 CAL CK 0074

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 155 (W) Of 2020

Kanika Bhattacharya

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 CAL CK 0074

Hon'ble Judges : Amrita Sinha, J

Bench : Single Bench

Advocate : Anirban Datta, Probal Sarkar, Kalimuddin Mondal, Bipin Ghosh, Arindam Das, Biswajit Sarkar, Rumeli Sarkar

Final Decision : Disposed Of

Judgement

Amrita Sinha, J

The petitioner is a retired employee of the Berhampore Municipality. The Pension Payment Order (PPO) was issued in her favour but the amount of

gratuity as mentioned in the PPO was not disbursed in her favour on the ground of non-availability of funds.

The learned advocate representing the Municipality submits that there is severe shortage of funds in the Municipality and request has been made by

the Municipality to the Joint Secretary, Government of West Bengal, Department of Urban Development and Municipal Affairs by a communication

bearing Memo No. 1604/2019/BM dated December 19, 2019 for supply of funds to meet the retiral dues of the employees of the Municipality.

It appears from the instruction handed over by the learned advocate appearing on behalf of the Municipality that the Municipality is under an

Administrator and steps have been taken for seeking funds from the State

Government for payment of the dues of the retired employees.

In a similar matter being WP No. 13953(W) of 2015 a co-ordinate Bench of this Court by an order dated January 18, 2016 directing the respondents

to clear off the dues of the petitioner within a specified time.

The learned advocate representing the State respondents is not ready with instruction.

As it appears that orders have been passed in a similar matter by the Court, accordingly, the instant writ petition is also disposed of on similar lines.

The respondent nos. 5, 6 and 7 being the Administrator, Berhampore Municipality & Sub-Divisional Officer, Berhampore Sadar, the Executive Officer

of the Berhampore Municipality and the Chairman, Berhampore Municipality are directed to take immediate steps for releasing the dues of the

petitioner as mentioned in the PPO within a period of six months from the date of communication of a copy of this order.

As the money was due and payable to the petitioner on the date of her retirement and there has been inordinate delay on the part of the respondents in

releasing the said dues, the petitioner shall be entitled to receive the money along with interest. The dues of the petitioner shall be paid along with

interest @ 8% per annum to be calculated on and from the date of its accrual till the date of actual payment.

The respondent nos. 1 and 2 being the Principal Secretary, Department of Urban Development & Municipal Affairs and the Principal Secretary,

Finance Department, Government of West Bengal are directed to ensure that the order passed herein is complied by the Municipality within the time

as specified hereinabove.

WP No. 155(W) of 2020 is disposed of.

The written instruction handed over by the learned advocate for the Municipality in Court today be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.