

(2020) 03 CAL CK 0080

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 3519 (W) Of 2019

Madan Mohan Hazra

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 CAL CK 0080

Hon'ble Judges : Amrita Sinha, J

Bench : Single Bench

Advocate : Kanai Lal Samanta, Joyita Sinha, Joyee Maity, Sougata Mitra, Gopal Chandra Das

Final Decision : Disposed Of

Judgement

Amrita Sinha, J

The petitioner is a retired employee of the Tamralipta Municipality. His grievance is that his retiral dues have not been cleared off, in full, till date.

The learned advocate representing the municipality submits that as the service of the petitioner was not approved by the Director of Local Bodies,

accordingly, the balance payment (50% of the retiral dues) of the petitioner remain unpaid.

It appears that a similar matter was considered and disposed of by this Court in WP No. 21776(W) of 2019 on November 27, 2019. Similar order is

accordingly passed in the instant case.

The petitioner submits that similarly circumscribed 33 other employees of the said Municipality approached this Court on similar set of facts and by an

order dated 29th April, 2016 passed by the Learned Single Judge of this Court in W.P. 4512 (W) of 2015 directed the respondents to regularize the

service of the petitioners with notional benefit from the dates of their joining within a specified time. The Court directed that the employeesâ??

pension and other retiral benefits will be paid accordingly. They will have no claim with regard to arrear salary.

Being aggrieved by the order passed by the Learned Single Judge, the State of West Bengal preferred an appeal before this Court. By a judgement

dated 11th January, 2019 passed in MAT 1619 of 2016 the Honâ??ble Division Bench dismissed the said appeal. The Division Bench held that the

State shall comply the direction passed by the Learned Single Judge in regularizing the appointments of the petitioners.

The State of West Bengal preferred a Special Leave Petition before the Honâ??ble Supreme Court which also stood dismissed. After dismissal of

the Special Leave Petition, the State Government complied with the order that was passed by the Learned Single Judge in the matter.

As the issue has already been set at rest by the order passed by the Learned Single Judge and affirmed by the Honâ??ble Division Bench and the

Honâ??ble Supreme Court accordingly, no further decision is required to be made in the instant writ petition.

In view of the above, the instant writ petition is disposed of by directing the respondent No.2 being the Director, Directorate of Local Bodies, West

Bengal to take a decision with regard to the prayer of the petitioner for payment of his retiral dues in the light of the judgment passed by this Court on

29th April, 2016 in W.P. No. 4512 (W) of 2015 and the judgment dated 11th January, 2019 passed in MAT 1619 of 2016.

The said respondent shall take a decision in the matter within a period of four weeks from the date of communication of a copy of this order and shall

pass a reasoned order and communicate the same to the petitioner within a fortnight thereafter. The said respondent shall also take necessary

consequential steps for disbursing the retiral dues of the petitioner in accordance with the calculation arrived at by him in terms of the direction passed

by the Court in the above noted matters at the earliest.

W.P. 3519 (W) of 2019 is disposed of.

The report filed by the Municipality is taken on record.

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