



Item No. 7

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

6.01.2023
Ct-24

WPA 25513 of 2022
Kalpana Hazra
v.
The State of West Bengal & Ors.

Mr. Subhasish Mukhopadhyay
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prosanta Behari Mahata
... for the State.

Mr. Probal Sarkar
... for the Municipality.

The petitioner is the widow of an employee of Murshidabad Municipality who died-in-harness on February 15, 2010. Pension Payment Order was issued in her favour on August 30, 2012.

In the present writ petition, the petitioner prays for a direction upon the Municipality to pay death-cum-retirement gratuity along with arrear family pension.

It has been submitted that the petitioner has been paid only a paltry sum of Rs. 50,000/- only from the amount to Rs. 2,11,967/- which is due and payable in her favour.

The petitioner relies upon an unreported order dated December 19, 2022 passed by this Court in **WPA 25424 of 2022** in the matter of **Dipak Majumder v. The State of West Bengal & Ors.**



Learned advocate representing the Municipality submits that payment could not be made to the petitioner on account of non-availability of funds.

It appears from the Pension Payment Order issued to the petitioner that the petitioner is entitled to receive net death gratuity payable of Rs. 2,11,976/- only.

The Municipality has paid a lump sum amount of Rs. 50,000/- only, but is yet to disburse the entire amount.

The arrear pension from the date of death of the employee till the date of issuance of the Pension Payment Order has also not been paid.

It is the bounden duty of the employer to release the terminal benefits of the employee immediately on the date of entitlement.

In the present case, the employee died-in-harness in February 2010. Instead of releasing the terminal benefits to the widow to tide over the immediate financial crisis faced by the family on the death of the employee, the Pension Payment Order was issued after more than two years after the death of the employee. Even after issuing the Pension Payment Order, the amount indicated therein has not been paid.

The employer will be bound to disburse the balance payment which is due and payable to the widow immediately along with interest @ 7% per annum calculated on and from the due date till the date of actual payment.

It is made clear that if the amount indicated in the Pension Payment Order is not disbursed in favour of the



petitioner within April 13, 2023, the petitioner shall be entitled to additional 2% interest over and above the 7% mentioned hereinabove till the date of actual payment of the terminal dues.

The State Government is directed to render all cooperation to the Municipality to ensure that the dues of the petitioner are positively disbursed within the time as stipulated hereinabove.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)