

WPA 28818 of 2025

Rabi Hazra & anr.
Versus
The State of West Bengal & Ors.

Mr. L.R. Mondal
Mr. Sk. Kiran
... For the petitioners.

Mr. Biplab Guha
Mr. Sudip Kumar Maity
... For the State

Mr. Sayantan Hazra
Mr. Subrata Ghosh
... For the municipality

1. The matter pertains to non-disbursal of retiral benefit as are payable to Shikha Hazra who was an employee of the Murshidabad Municipality. Consequent upon the superannuation of Shikha Hazra, although a PPO was issued, the concerned respondents did not bother to make payment. Following which the said Shikha Hazra was compelled to approach this Court in WPA 8851 of 2023. By an order dated 10th October, 2023, a co-ordinate Bench of this Court was, inter alia, pleased to direct and order as follows:

“The petitioner was an employee of the Murshidabad Municipality.

She prays for disbursing her terminal benefits in terms of the Pension Payment Order issued on 19th March, 2020.

An ad-hoc amount has been paid to the petitioner but the rest is due and payable.

As it appears that the Pension Payment Order was issued in favour of the petitioner, accordingly, the respondents are duty bound to release the amount as mentioned in the Pension Payment Order.

It is highly improper and illegal not to disburse the amount mentioned in the Pension Payment Order, even after issuance of the same.

In view of the above, the Murshidabad Municipality is directed to take steps for honouring the Pension Payment Order issued in favour of the petitioner at the earliest but positively within a period of four months from the date of communication of this order.

The petitioner will be entitled to receive arrear pension that is due and payable.

As the amount will be disbursed in favour of the petitioner after a long delay, the petitioner shall be entitled to interest on the amount due.

The Municipality shall be bound to pay interest to the petitioner at the rate of 6% per annum on the due amount calculated from the date it fell due till the date of actual payment.

In the event, the money is not disbursed as specified hereinabove, the petitioner will be entitled additional interest of 2% that is (6%+2%)- 8% on and from the due date till the date of its actual payment.

The writ petition stands disposed of.

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

2. Notwithstanding the aforesaid, the respondents did not comply with the above direction. Unfortunately, the aforesaid Shikha Hazra did not succeed in getting the retiral benefits during her lifetime and died on 7th February, 2024. The records would reveal that the petitioner No. 2 had

filed a contempt application which was registered as CPAN 593 of 2024. Such contempt application was disposed of by granting liberty to the legal heirs of the deceased employee to approach the municipality for payment of legal dues. Although, the petitioners had approached the municipality and had communicated with the municipality by communication in writing dated 17th September, 2025 issued by the petitioners' advocate-on-record, the municipality did not take any further steps.

3. In the above circumstances, the petitioner No. 1 on who is the husband of the deceased employee Shikha Hazra and the petitioner No. 2 who is the son of the deceased employee has approached this Court.
4. The writ petition has been filed on 16th December, 2025 and has been taken up for consideration today. Needless to note, during pendency of the writ petition and despite notice, the municipality did not bother to make payment. Today, the learned advocate for the petitioners would submit that during pendency of the writ petition, the petitioner No. 1 has died intestate.
5. Learned advocate for the municipality is present in Court would try to make an excuse to delay the payment by holding out that there may be other heirs. It is an admitted position as has been

admitted by the learned advocate for the municipality that the municipality has already confirmed that a sum of Rs. 5,52,693/- is due and payable to the deceased employee on account of gratuity and arrear pension as would corroborate from the statement appearing at page-59 of the writ petition which has been duly counter signed by the Executive Officer of the municipality.

6. In the peculiar facts noted hereinabove, I direct the municipality to place before this Court a cheque drawn in the name of the petitioner No. 2 for the amount as may be found due when the matter is taken up next.
7. The Chairman and the Executive Officer of the Municipality must be personally present before this Court along with the Cheque when the matter is taken up next to explain their conduct.
8. Let the factum of death of the petitioner No. 1 as would corroborate from the death certificate issued by the Lalbag Samsan Ghat, a copy whereof has been placed before this Court and retained with the file, be recorded by the department.
9. List this matter for compliance on 1st April, 2026 at 2 p.m.
10. Since at this stage, the learned advocate for the municipality would submit that the payment would be made by 1st April, 2026, I am of the

Department

view in the event, the cheque as directed is produced, the Chairman and the Executive Officer of the municipality need not be present before this Court, though an affidavit explaining their conduct must be filed.

(Raja Basu Chowdhury, J.)