

Court No. 24

16.09.2020

(Item No. 8)

(SB)

W.P.A. 4530 of 2020
(Old No. W.P. 4530 (W) of 2020)

Rijia Mallick
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Ms. Sabita Khutia (Bhunya)
... For the petitioner

Affidavit of service is taken on record.

On the last occasion also, nobody appeared for the State.

Learned counsel appearing on behalf of the petitioner very fairly stated on that day that the matter may be adjourned. Accordingly, this matter has been listed today again.

However, today also nobody appears for the State.

The material facts of the case are admitted and hence I have not called for affidavits.

The son of the petitioner was appointed as a teacher of a high school and died in harness on August 14, 2017. The pension payment order was issued on March 27, 2019. The gratuity amount and the arrear pension was paid on April 1, 2019. The petitioner claims interest on delayed payment of the gratuity and pension.

I have heard learned counsel for the petitioner and I have considered the orders passed by this Court in similar facts. It is settled law that a retired employee is entitled to some amount of interest on delayed payment of gratuity and pension.

In view of the aforesaid, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioner at the rate of nine per cent per annum on the gratuity amount as well as arrear pension for the period from August 15, 2017 till March 30, 2010.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

WPA 4530 of 2020 (Old No. W.P. 4530 (W) of 2020) is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)