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04.03.2020
PP.

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA 198 of 2020

Bindu Gurung
-versus
The State of West Bengal & Ors.

Mr. Deborshi Dar
...for the Petitioner.

Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman
...for the State.

The petitioner's husband was appointed as a Librarian on 1st March, 1982of Jan Sahitya Puslakalaya, Lebong, District – Darjeling, on 1st March, 1982.

It is an admitted position that the petitioner's husband died-in-harness on 2nd May, 2011 after serving about 29 years. The petitioner complains that the retiral benefit of the petitioner's late husband has not been paid in time despite their being a Pension Payment Order.

It is unfortunate to note that a lady whose husband met an untimely death had to run from pillar to post to receive the retiral benefits of her husband. The gratuity and other statutory dues had been disbursed on 11th January, 2019 after lapse of considerable period of time.

The petitioner claims interest on delayed payment of the gratuity.

I have heard learned counsel for the parties and considered the materials on record as also the orders passed by this Court in similar facts.

An employee immediately on his/her retirement becomes entitled to his/her retiral benefits. It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the gratuity and pension amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

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 9% per annum on the gratuity calculated on and from the due date till the actual date of payment.

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.

The concerned officers/department shall start the process of disbursing the interest immediately on receiving a server copy of this order without waiting for the certified copy. At the time of payment of the interest amount, the petitioner shall produce the certified copy of the order. The payment has to be made within 8 (eight) weeks from the date of receipt of the server copy from the petitioner and/or his/her advocate. In default of making payment of the amount within 8 (eight) weeks, the respondent authorities shall be bound to pay interest @ 12 per cent simple interest per annum on the money payable from the date of retirement till the date of actual payment. The respondents shall also be liable to pay cost assessed at Rs.5,000/- for having been compelled to file the instant litigation.

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

WPA 198 of 2020 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as early as possible.

(Arindam Mukherjee, J.)