

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

²⁹
sm **24.02.
2020**

W.P.A. 419 of 2020

**Shanti Roy
Versus
The State of West Bengal & Ors.**

Mr. Jakir Hossain.
.....for the petitioner.

Mr. Subir Kumar Saha,
Mr. Ankan Mitra.
.....for the State.

Affidavit of service filed in Court be taken on
record.

The petitioner no.1 is the widow and the
petitioner no.2 is the son of a deceased employee of
the Cooch Behar Municipality. The employee died in
harness on 11th February, 2018. The family pension
was disbursed in favour of the petitioner no.1. The
death cum retiring gratuity amounting to a sum of
Rs.3,65,000/- was sanctioned for payment in favour
of the petitioners in equal share.

The petitioners complain that even though the
aforesaid amount was sanctioned on account of gross
death gratuity the same was not disbursed in their
favour till date. No reason whatsoever was intimated
to the petitioners for not disbursing the aforesaid
amount in their favour.

The petitioner made representation before the

Cooch Behar Municipality on 9th September, 2019 with a request to release the aforesaid amount in their favour. There is no response from the end of the Municipality.

None appears on behalf of the Cooch Behar Municipality in spite of service. Affidavit of service filed in court is taken on record.

As it appears that the death gratuity was already sanctioned in favour of the petitioners the same ought to have been disbursed in due time in their favour. The Municipality was not entitled to withhold the payment of the death gratuity without any plausible reason.

In view of the above, the instant writ petition is disposed of by directing the respondent nos. 2, 3 and 4 to take steps for disbursement of the death gratuity in favour of the petitioners within a period of ten weeks from the date of communication of a copy of this order.

Since there has been a considerable delay on the part of the respondents in disbursing the amount which was sanctioned way back in August, 2018 the petitioner shall be entitled to interest on account of the delay in disbursing the said amount.

Accordingly, the said respondents shall disburse the aforesaid amount along with interest @ 9% per

annum to be calculated on and from the due date till the date of actual payment.

In the event there is any formality that is required to be complied by the petitioners for the purpose of disbursal of the said amount the same shall be intimated to the petitioners immediately and the petitioners shall take steps to comply with the formalities required for releasing the aforesaid amount in their favour.

WPA No.419 of 2020 is disposed of.

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

(Amrita Sinha, J.)