

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 449 of 2020

Nidhu Roy & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Deborshi Dhar ...for the petitioners.

**Mr. Hirak Barman
Ms. Bedashruti Bose ..for the State.**

Affidavit of service filed by the learned Advocate for the petitioners in court today be taken on record.

The learned Advocate for the petitioners submits that the husband of the petitioner No.1 was in service of the concerned school who died-in-harness on 01.05.2001. The order for payment of pensionary benefit was issued in favour of the petitioner on 13.04.2005 and the petitioner received the gratuity amount on 02.07.2005. The petitioners claim interest on belated payment of the gratuity and arrear pension.

A number of judgments and orders passed by the different co-ordinate Benches of this Court have been placed, whereby interest had been awarded for delayed payment of gratuity and arrear pension.

It has been held that an employee is legally entitled to get his pensionary benefits including gratuity in due time and for the belated payment of gratuity and the authorities responsible for such belated payment are bound to pay interest thereon.

The doctrine of comity of Court requires that a co-ordinate bench should take consistent and uniform

approach towards administration of justice to ensure judicial discipline and certainty.

It is just and proper that the respondents should be directed to pay the petitioner interest on delayed payment of gratuity and arrear pension at the rate of 8% per annum from the date when such amount was payable till the date of actual payment.

Such payment should be made to the petitioner within a period of six weeks from the date of communication of this order. In the event of failure by the respondents to pay such interest within the time period so stipulated, the gratuity and arrear pension amount will carry further 2% interest per annum.

The writ petition is disposed of without any order as to costs.

Urgent certified Photostat copy of this order, if applied for, be supplied expeditiously to the learned Advocates appearing for the parties on compliance of requisite formalities.

(Kausik Chanda, J.)