

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

W.P.A. 471 of 2020

**Kiran Gadaily
-versus
The State of West Bengal & Ors.**

**Mr. Anirban Chakraborty
...For the Petitioner.**

**Mr. Hirak Barman,
Ms. Bedashruti Bose
...For the State.**

The petitioner was a Primary School Assistant teacher and retired from service on 31.01.1997. The first pension payment order was issued on 05.03.1999 and the gratuity was disbursed on 12.09.1999. Under the ROPA Rules, 1998 there was revision of the pension and gratuity amount payable to the petitioner. The revised gratuity order was issued on 09.10.2001 and the arrear revised gratuity was disbursed on 26.04.2002 in terms of ROPA 1998. The petitioner claims interest on delayed payment of revised gratuity.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

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 revised gratuity amount 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.

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

W.P.A. 471 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.)