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25.02.2020.
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 493 of 2020

**Ajit Kumar Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Sandip Ghosh
...For the Petitioner.**

**Mr. Bikramaditya Ghosh
Mr. Momenur Rahaman
...For the State.**

Affidavit of service filed in Court today be taken on record.

The wife of the petitioner was a School Teacher and she died in harness on 20.10.1994. Pension payment order was issued on 02.11.1999. The grievance of the petitioner is that the gratuity and pension amount was disturbed to him only on 04.03.2000. The petitioner claims interest on delayed payment of the gratuity and arrear pension.

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 widow of the employee is entitled to receive the statutory dues of his deceased wife on and from the date of her death. It is a valuable right which accrues in favour of the heirs of the deceased employee. Further, gratuity and pension are no more considered to be a bounty to be handed out by

the State at its whim. If payment of gratuity and pension is delayed the heir of the retired employee is surely entitled to get some interest for such delayed payment. Payment of gratuity and pension is considered as welfare provisions and the delay per se should not be ground for rejection of such claim. No third party right will be affected by passing a direction on the State to compensate the heir of the deceased employee on account of delay in payment of gratuity and pension by paying interest at a reasonable rate.

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 and arrear pension calculated on and from the next date of death of his wife till the date of actual 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. 493 of 2020 is disposed of.

There will be no order as to costs.

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

(Amrita Sinha, J.)