

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

W.P.A. 548 of 2020

**Asit Chakraborty
-versus
The State of West Bengal & Ors.**

Mr. S. Khutia
...For the Petitioner.

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

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

The petitioner was appointed as a College Clerk. He retired from service on 30.04.2009. The first pension payment order was issued on 15.09.2009 and the arrear pension was disbursed on 02.03.2010. There was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 11.10.2011 and the arrear revised pension was disbursed on 31.01.2012. The petitioner claims interest on delayed payment of the gratuity and arrear pension and also upon revised gratuity and revised 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 right of a retired employee to get his retiral dues as and when the same becomes

due and payable. If payment of the retiral dues 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 pension and revised 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.

In view of the aforesaid, I direct the Director of Public Instruction, 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 principal gratuity and arrear pension amount from the next date of retirement till the date of actual payment and also on the revised gratuity and revised arrear pension amount @ 9% per annum calculated on and from the due date 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. 548 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.)