

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

WPA 603 of 2020

Biplab Krishna Chanda
-versus
The State of West Bengal & Ors.

Mr. Debajit Kundu
...For the Petitioner.

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

Affidavit of service filed in Court today be kept with the record.

The petitioner was a High School Assistant Teacher and retired from service on 31st March, 2012. The grievance of the petitioner is that the gratuity and arrear pension amount was disbursed to him only on 1st September, 2013. The petitioner claims interest on delayed payment of the gratuity and arrear pension amount.

I have heard learned counsel for the parties and considered the materials on record as also the orders passed by this Court in similar facts.

An employee immediately on his/her retirement becomes entitled to his/her retiral benefits. 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% simple interest per annum on the gratuity and arrear pension calculated on and from the due date of retirement till the actual date of payment.

The concerned officers/department shall start the process of disbursing the interest immediately on receiving a server copy of this order without waiting for the certified copy. At the time of payment of the interest amount, the petitioner shall produce the certified copy of the order. The payment has to be made within 8 (eight) weeks from the date of receipt of the server copy from the petitioner and/or his/her advocate. In default of making payment of the amount within 8 (eight) weeks, the respondent authorities shall be bound to pay interest @ 12 per cent simple interest per annum on the money payable from the date of retirement till the date of actual payment. The respondents shall also be liable

to pay cost assessed at Rs.5,000/- for having been compelled to file the instant litigation.

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

WPA 603 of 2020 is disposed of.

There will be no order as to costs.

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

(Arindam Mukherjee, J.)