21-01-2020
Court No.2
Sh/75.

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE

W.P.A. 742 OF 2019

Nageswar Prosad Prosad Mahato . . Petitioner.
Vs.
The State of West Bengal & Ors. . .Respondents.

Mr. Debajit Kundu,
Mrs. Sabita Khutia (Bhunya)
.For the Petitioner.
Mr.Debabrata Dhar (AGP),
Ms. Paramita Sahu.
. . .For the State.

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

The petitioner was a Panchayet karmee of a Gram Panchayet, who retired from service on 31-12-2008. The pension Payment Order was issued to him on 08-06-2010 and he received the gratuity and arrear pension on 01-10-2011.

The grievance of the petitioner is that interest on the delayed payment of gratuity and arrear pension has not been paid.

It is now settled law that the pension and gratuity amount is to be released to the retired employees immediately upon retirement and in case of delay in releasing the pension and gratuity amount, the retired employee is entitled to get interest.

Similar orders have already been passed by this Court by which retired employees were granted interest for delayed payment of gratuity and arrear pension.

It is the 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 acquires in his favour on the date of attending superannuation.

Gratuity and pension were no longer to be a bounty to be handed out by the State at its whim. An employee had a right to receive gratuity and pension as also interest on delayed payment upon retirement.

As such, in view of decision of Union of India Versus Tarmen Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the Treasury Officer concerned are directed to pay interest at the rate of 9% per annum on the gratuity and arrear pension amount from the next date of retirement till the actual date of disbursement, in terms of the Pension Payment Order dated June 8. 2010.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

With the aforesaid observation and directions, this writ application stands disposed of.

There will, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(SHAMPA SARKAR, J.)