

27/01/2021
Item No.162DL
Court No.7
S. DE

Through Video Conference

W.P.A. 1924 of 2021

Debasis Rath.

-Vs-

The State of West Bengal & Ors.

Mr. Rajesh Kr. Shah ...for the Petitioner.

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

The material facts of the case are matters of record and hence I have not called for affidavits.

The petitioner was an assistant teacher of a Primary School and retired from service on 30.11.2019. The grievance of the petitioner is that the gratuity amount was disbursed only on 31.12.2020. He claims interest on the delayed payment of the gratuity amount.

It is now settled law that the gratuity amount is to be released to the retired/deceased employee immediately upon retirement/death. If there is a delay in releasing the gratuity amount, the retired employee is entitled to interest.

Various orders have been passed by this Court holding that the retired employee is to receive interest on delayed payment of gratuity. Some of such orders have been placed before me.

Having heard the learned counsel for the petitioner and having regard to the orders of this Court passed in other matters, 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 petitioner at the rate of 9% per cent per annum on the gratuity amount calculated from 01.12.2019 till 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 to be admitted.

WPA No. 1924 of 2021 is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)

