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Ct. 15

05.02.2021.

W.P. 2231 of 2021

Asoke Kumar Mukherjee Vs The State West Bengal & Ors.

Mr. Biswajit Mal
... For the Petitioner.

Mr. Bipin Ghosh
... For the State.

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

The husband of the petitioner was a Non-Teaching Staff of a Primary School, who retired from service on 10.12.2009 and, thereafter, died on 04.11.2012. The petitioner's husband had completed all pension-related formalities prior to his retirement. The pension payment order was issued on 17.05.2012. However, the concerned authorities delayed and released the gratuity amount on 18.07.2012. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the arrear pension amount.

There is a considerable delay in filing of the writ petition, which the petitioner seeks to justify by stating that there is no statutory period of limitation and neither parties have suffered due to this delay. It is the submission of the petitioner that accordingly the petition should be allowed. The petitioner relies upon an order in **W.P. No. 6649 (W) of 2019 (Padma Nath Vs. State of**

West Bengal & Ors.) of the co-ordinate Bench in support of his submission.

In view of the above and after hearing the learned Counsel for the parties, 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 @ 8% per annum on the gratuity amount calculated from 11.12.2009 till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

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

(Rajarshi Bharadwaj, J.)