

**02-03-2021**

ct no. 13

Sl.21

pk

**WPA 1677 of 2020  
(Through Video Conference)**

**Sujit Mallick  
Versus  
State of West Bengal and others**

**Mr. Kamakshya Prasad Mukhopadhyay  
...for the petitioner**

**Mr. Arjun Roy Mukherjee  
... for the State respondents**

By an order dated 13.06.2019 passed by a Co-ordinate Bench in W. P. No. 8098(W) of 2019 the respondents were directed to consider and pass a reasoned order on the petitioner's prayer for release of terminal benefits in the form of P. F. & Gratuity and one time death benefits of Rs.2,00,000/-.

By an order dated 3<sup>rd</sup> May, 2019 the Chief Medical Officer of Health, Purba Bardhaman allowed P.F. to the petitioner and other legal heirs of the deceased. Insofar as the gratuity and one time death benefits indicated herein above, the matter was referred to Mission Director, National Health Mission, Swasthya Bhawan, Kolkata. It appears that the Mission Director is yet to take any decision on the matter.

This Court notes that the legal heirs of the deceased, late Manjusa Mallick (Mukherjee) have been running from pillar to post since 04.02.2018 to obtain terminal benefits.

In those circumstances, the petitioner and the legal heirs of the deceased, Manjusa Mallick shall be entitled to carry interest at the rate of 8 per cent per annum on and from 05.02.2018 till the date of actual payment of all terminal benefits.

Insofar as the request made to the Mission Director, National Health Mission, Swasthya Bhawan, Kolkata by the Chief Medical Officer of Health, Purba Bardhaman on 22<sup>nd</sup> August, 2019, the Mission Director shall positively within a period of one month from the date of communication of a copy of this order take a decision on the claims towards gratuity and one time death benefits and release the same to the legal heirs of the deceased together with interest at the rate of 9 per cent per annum from 05.02.2018.

The Mission Director, National Health Mission, Swasthya Bhawan, Kolkata shall be responsible for payment of interest as directed hereinabove.

The petitioner as well as the Registry shall communicate this order to the Mission Director,

National Health Mission, Swasthya Bhawan,  
Kolkata.

With the aforesaid observations, the  
instant writ petition is disposed of.

No order as to costs.

Photostat certified copy of this order, if  
applied for, be given to the parties upon  
compliance of all formalities.

**(Rajasekhar Mantha, J.)**