

10-09-2021
ct no. 05
Sl. 68
Sayandeep

W.P.A. 5568 of 2021

Swapan Kumar Dey
-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Sourav Mitra
Mrs. Sabita Khutia(Bhunia)
Mr. Sandip Ghosh
Mr. Tamal Tani Panda
...for the petitioner

Ms. Tanusri Pal Chudhuri
....for the State

Petitioner is a retired teacher who was retired on superannuation on 30th November, 2019 and the pension payment order was issued on 15th July,2020 thereby releasing retiral dues in favour of the writ petitioner. Pursuant to the said pension payment order, disbursement was made in favour of the writ petitioner on 14th August, 2020. Writ petitioner claims interest on delayed payment of gratuity.

The entitlement of the writ petitioner to interest on delayed payment of gratuity due to superannuation has already been decided in the writ petition being WP No. 4600(w) of 2019 **(Rabindra Kumar Bhattacharjee vs. State of West Bengal and Ors.)** wherein upon placing reliance on judgment of the Apex Court in the

case of **Union of India vs. Tarsem Singh reported in (2008)8 SCC 648** on condoning delay in approaching the Court for payment of interest on gratuity the said writ petition was allowed by extending the benefit on delayed payment of gratuity upon due consideration of the fact that there is no accrual of third party interest and matter relates to payment of retiral dues.

Taking note of the observations made by the coordinate Bench in the order dated 17th April, 2019 passed in WP No. 4600(w) of 2019 **((Rabindra Kumar Bhattacharjee vs. State of West Bengal and Ors.))** this Court finds it apposite to grant interest on gratuity to the writ petitioner due to delay in releasing the said amount.

Accordingly, the Director of Pension Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest at the rate of 8 per cent per annum to the writ petitioner on delayed payment of gratuity from the date following the date of retirement of the writ petitioner till the date of actual disbursement of the gratuity amount, within a period of eight weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Affidavit-of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)