

72 10.09.2021
rkd Ct.05

W.P.A. 8117 of 2021
(Through Video Conference)

Tapati Chakrabarti (Banerjee)
-vs-
The State of West Bengal & Ors.

Mr. Sandip Ghosh,
Ms. Sabita Khutia (Bhunia),

....for the petitioner.

Mr. Tapan Pramanick,
Mr. Bipin Ghosh

....for the State.

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

The writ petitioner's husband is a retired assistant teacher in a primary school who was superannuated on **31st January, 2000** and died on **1st February, 2021**. In connection with retirement of the petitioner's husband Pension Payment Order was issued on **27th May, 2002** and pursuant to such Pension Payment Order, retiral dues was disbursed in favour of the husband of the petitioner on **19th August, 2002**. There was a delay in releasing gratuity in favour of the petitioner's husband and after death of the husband petitioner has come up with the present writ petition praying for interest on delayed payment of gratuity.

The entitlement of the writ petitioner to interest on delayed payment of gratuity due to

superannuation of her husband has already been decided in the writ petition being W.P.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 W.P. 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 **Rs.8%** per annum to the writ petitioner on delayed payment of gratuity from the date following the date of retirement of the husband 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.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)