

Ct. 05
Item No.78
10.09.2021
(suvendu)

WPA 8197 OF 2021

(VIA VIDEO CONFERENCE)

Sabita Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Sandip Ghosh
Ms. Sabita Khutia (Bhunia)
.....for the petitioner
Ms. Barnali Sarkar
.....for the State

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

The husband of the writ petitioner was a primary teacher, who superannuated on 31st July, 2004. Due to retirement of the husband of the writ petitioner, terminal benefits were released by issuing Pension Payment Order dated 2nd August, 2005. Pursuant to such Pension Payment Order, dues were disbursed in favour of the husband of the writ petitioner on 7th November, 2005. Subsequently, the husband of the writ petitioner died on 2nd March, 2007. 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 of husband of the writ petitioner 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 **Rs.8%** per annum to the writ petitioner on delayed payment of gratuity from the date following the date of retirement of 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 this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)