

Ct. 05
Item No.184
24.09.2021
(suvendu)

WPA 8625 OF 2021

(VIA VIDEO CONFERENCE)

Binoy Kumar Choudhury
Vs.
The State of West Bengal & Ors.

Mr. Banshi Badan Maity
.....for the petitioner
Mr. Swapan Kumar Chatterjee
.....for the State

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

Petitioner is a retired Head Teacher who retired on superannuation with effect from 31st January, 2020 and the Pension Payment Order was issued on 2nd September, 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 24th December, 2020. Writ petitioner claims interest on delayed payment of gratuity.

Learned advocate appearing on behalf of the State submits that there was delay on the part of the writ petitioner during processing the pension case of the writ petitioner after his retirement with effect from 31st January, 2020 which resulted in delay in

releasing the retiral dues including gratuity to the writ petitioner.

Since as per the procedure relating to settlement of pension case of the retired teacher in terms of the norms of e-pension, the process of settling the pension case needs to be commenced one year prior to date of retirement of the concerned teacher; the objection raised on behalf of the State respondents cannot be countenanced.

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 **Rs.8%** 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.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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.)