

187 24.09.2021
rkd Ct.05

W.P.A. 8682 of 2021
(Through Video Conference)

Kalpna Majhi

-vs-

The State of West Bengal & Ors.

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

....for the petitioner.

Mr. Mrinal Kanti Biswas

....for the State.

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

Petitioner is wife of retired teacher who retired on superannuation with effect from 30th June, 2007 and the first pension payment order was issued on 12th June, 2007 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 1st September, 2007. Subsequently, in terms of ROPA 2009 revised pension payment order was issued 20th June, 2012 and payment as per said revised pension payment order was made in favour of the writ petitioner on 26th October, 2012. Meanwhile, husband of the writ petitioner died on 16th February, 2019. The writ petitioner, being widow of deceased retired teacher claims interest on delayed payment of gratuity as per

revised Pension Payment Order.

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 revised gratuity as per revised Pension Payment Order from 19th May, 2009 till the date of actual disbursement of the revised gratuity amount in favour of the deceased husband of the writ petitioner, 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.)