

Court No. 24

09.07.2021

(Item No. 8)

(AB)

W.P.A 8712 of 2021

(via video conference)

Swapna Das & Anr.

vs

The State of West Bengal & Ors.

Mr. Sandip Ghosh

Mr. Sudip Sarkar

Mr. Sabita Khutia (Bhunya)

... for the petitioners

Affidavit of service filed in Court today be kept with the record.

The husband of the petitioner no. 1 and the father of the petitioner no. 2 was a Lab Attendant of College and he died in harness on 11.09.2017. Gratuity payment order was issued on 30.07.2018. The grievance of the petitioners is that the gratuity and pension amount was disbursed to them only on 25.09.2018. The petitioners claim interest on delayed payment of the gratuity amount.

None appears on behalf of the State.

I have heard the learned counsel appearing for the petitioners and considered the orders passed by this court in similar facts.

It is settled law that the heirs of the employee are entitled to receive the statutory dues of the deceased employee on and from the date of his death. It is a valuable right which accrues in favour of the heirs of the deceased employee. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim. If payment of such gratuity and pension is delayed the heir of the retired employee is surely entitled to get some interest for such delayed payment. Payment of gratuity and pension is considered as welfare provisions and the

delay per se should not be ground for rejection of such claim. No third party right will be affected by passing a direction on the State to compensate the heir of the deceased employee on account of delay in payment of gratuity and pension by paying interest at a reasonable rate.

In view of the aforesaid, I direct the Director of Public Instruction, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioners at the rate of 5% per annum on the gratuity calculated on and from the due date till the date of actual payment.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

W.P.A. 8712 of 2021 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)