

197 24.09.2021
rkd Ct.05

W.P.A. 9022 of 2021
(Through Video Conference)

Urmila Baidya

-vs-

The State of West Bengal & Ors.

Mr. Manaranjana Sahu

....for the petitioner.

Ms. Tanusri Pal Chaudhuri

....for the State.

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

Writ petitioner is wife of the deceased teacher who retired on 30th April, 1999. After retirement of the husband of the writ petitioner pension payment order was issued vide Memo dated 12th January 2002 and pursuant to such pension payment order retiral dues including gratuity were disbursed in favour of the deceased husband on 1st April, 2002. The husband of the writ petitioner died on 5th May, 2019. Writ petitioner being the widow of the deceased teacher claims interest on delayed payment of gratuity.

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 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 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.)