

203 24.09.2021
rkd Ct.05

W.P.A. 9100 of 2021
(Through Video Conference)

Sk. Jamal Uddin

-vs-

The State of West Bengal & Ors.

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

....for the petitioner.

Mr. Aishwarya Jayshree

....for the State.

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

Petitioner is a retired teacher who retired on superannuation with effect from 31st December, 2018 and the first pension payment order was issued on 4th February, 2019 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 15th March, 2019. Subsequently, in terms of ROPA 2019 revised pension payment order was issued 4th March, 2021 and payment as per said revised pension payment order was made in favour of the writ petitioner on 6th March, 2021. Writ petitioner 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 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 as per revised pension payment order issued in terms of ROPA 2019 from 14th February, 2020 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.)