

204 24.09.2021
rkd Ct.05

W.P.A. 9108 of 2021
(Through Video Conference)

Shyamal Kumar Samanta

-vs-

The State of West Bengal & Ors.

Mr. Sudip Sarkar

....for the petitioner.

Mr. Mrinal Kanti Biswas

....for the State.

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

Son of the deceased teacher has filed the present writ petition. The father of the writ petitioner died on 31st May, 2000. Prior to death of the father of the writ petitioner who was a teacher superannuated on 30th November, 1997. After the superannuation of the father of the writ petitioner pension payment order was issued vide Memo dated 18th March, 2002. As per the said pension payment order retiral dues were released in favour of the mother of the writ petitioner on 27th April, 2002. Thereafter, the mother of the writ petitioner died on 16th December, 2004. Hence, the writ petitioner being son of the deceased teacher on filing the present writ petition claimed interest on delayed payment of gratuity.

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 gratuity from the date following the date of retirement of the father of the petitioner till date of actual disbursement of 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 this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)