

206 24.09.2021
rkd Ct.05

W.P.A. 9131 of 2021
(Through Video Conference)

Latika Giri

-vs-

The State of West Bengal & Ors.

Mr. Krishnapada Santra

....for the petitioner.

Mr. Debabrata Mondal

....for the State.

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

Writ petitioner is the wife of the deceased teacher who retired on 31st January, 1996 on superannuation. Subsequently, pension payment order was issued in favour of the husband of the writ petitioner on 28th February, 2002 and pursuant thereto retiral dues were paid in favour of the husband of the writ petitioner on 2nd January, 2004. The husband of the writ petitioner died on 29th January, 2009. 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 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 husband 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.)