

Ct. 05
Item No.155
01.10.2021
(suvendu)

WPA 9143 OF 2021

(VIA VIDEO CONFERENCE)

Mamata Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Sandip Ghosh
.....for the petitioner
Mr. Bipin Ghosh
.....for the State

Affidavit of service filed in Court today is taken on record.

The husband of the writ petitioner is a retired teacher, who superannuated on 31st January, 1996. After superannuation of the husband of the writ petitioner, first Pension Payment Order issued on 28th November, 1998 and as per the first Pension Payment Order disbursement was made accordingly. Subsequently, due to revision of pay as per ROPA 1998, revised Pension Payment Order issued on 10th October, 2000 and disbursement as per revised Pension Payment Order was made on 2nd January, 2001. Meanwhile, husband of the writ petitioner died on 29th November, 2017. The writ petitioner, being widow of deceased retired teacher, claims interest on delayed payment of

revised gratuity as per revised Pension Payment Order.

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 revised gratuity as per revised Pension Payment Order from 12th February, 1999 being the date of issuance of notification relating to ROPA 1998 till the date of actual disbursement of the revised gratuity amount in favour of the deceased husband of the writ petitioner, 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.)