

19.06.2021
Sl. No.11
srm

W.P.A. No. 11098 of 2021
Subrata Mondal
Vs.
The State of West Bengal & Ors.

Mr. Subhrangshu Panda

...for the Petitioner.

Mrs. Sucharita Ray

...for the Respondents.

The petitioner has alleged that the delay on the part of the employer in paying the retirement benefits entitled the petitioner to claim interest on all retiral benefits on account of delayed payment. The right of retired employees to get interest on account of delayed payment of pension, gratuity and other retirement benefits was elaborately discussed and upheld by the Hon'ble Apex Court in the matter of S.K. Dua vs. State of Haryana & Anr. reported in (2008) 3 SCC 44. Such right was declared by the Hon'ble Apex Court to be a constitutional right.

The petitioner was an employee of the Howrah Zill Parishad. The petitioner retired from service on January 31, 2020. The Pension Payment Order was issued on February 10, 2021. The gratuity and pension were released on March 11, 2021.

It is the settled law that the pension and gratuity amount is to be released to the retired employee immediately

upon retirement and in case of delay in releasing the pension and gratuity amount the retired employee is entitled to get interest.

Similar orders have already been passed by this Court by which retired employees were granted interest for delayed payment of pension and gratuity.

It is settled law that the right of a retired employee to get his retiral dues from the month following superannuation is a valuable right which accrues in his favour on the date immediate after retirement.

Gratuity and pension are not longer to be a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity and pension as also interest on delayed payment.

The Director of pension, Provident Fund & Group Insurance, Government of West Bengal as also the Treasury Officer concerned is directed to pay interest at the rate of 9% per annum on the gratuity and arrear pension amount from the next date of retirement till the date of actual payment.

Such payment is to be made within 10 weeks from the date of communication of the copy of this order to the concerned authorities.

With the aforesaid observation and directions, this writ petition stands disposed of.

There will be no order as to costs.

All parties are directed to act on the basis of the server
copy of this order.

(Shampa Sarkar, J.)