

178 01.10.2021
rkd Ct.05

W.P.A. 13969 of 2021
(Through Video Conference)

Aloke Kumar Das

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

....for the petitioner.

In spite of affidavit-of-service filed in Court today no one appears on behalf of the State respondents.

The writ petitioner is a retired teacher, who superannuated on 31st January, 2007. After superannuation of the writ petitioner, first Pension Payment Order was issued on 16th April, 2007 and as per the first Pension Payment Order disbursement of retiral dues were made in his favour on 2nd June, 2007. Subsequently, due to revision of pay as per ROPA 2009 revised Pension Payment Order was issued on 27th July, 2010 and accordingly dues were cleared including revised gratuity on 7th December, 2010. The 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 from 19th May, 2009 till the date of actual disbursement of the revised gratuity amount in favour of the retired teacher, 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.)