

Ct. 05  
Item No. 168  
01.10.2021  
Sayandeep

**WPA 13828 OF 2021**  
**(VIA VIDEO CONFERENCE)**

**Chhabi Pal**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Krishna Pada Santra  
.....for the petitioner  
Mr. Supriya Chattopadhyay  
Mr. Sabyasachi Mondal  
..... for the State

The husband of the writ petitioner is a retired teacher, who superannuated on 31<sup>st</sup> May, 2000. After superannuation of the husband of the writ petitioner, first Pension Payment Order issued on 9<sup>th</sup> March, 2002 and as per the said Pension Payment Order, retiral dues including gratuity was paid to the husband of the writ petitioner on 4<sup>th</sup> July, 2002. Ultimately, husband of the writ petitioner died on 14<sup>th</sup> February, 2021. The writ petitioner, being widow of deceased retired teacher claims interest on delayed payment of gratuity as per 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 17<sup>th</sup> 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 as per Pension Payment Order from the date following the date of retirement of the husband of the writ petitioner till the disbursement of the 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.)**