

Ct. 05
Item No. 189
08.10.2021
Sayandeep

WPA 14091 OF 2021

(VIA VIDEO CONFERENCE)

Kalyan Kumar Lahiri
Vs.
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
.....for the petitioner
Mr. D. Mukherjee
Ms. Aishwarya Joyshree
..... for the State

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

The writ petitioner is a retired teacher, who superannuated on 31st January, 2019. Subsequently first Pension Payment Order issued on 2nd May, 2019 and as per the said Pension Payment Order disbursement of retiral benefit was made on 6th June, 2020. In terms of ROPA 2019 revised Pension Payment Order was issued on 24th December, 2020 and disbursement as per revised Pension Payment Order was made on 28th December, 2020. The writ petitioner claims interest on delayed payment of gratuity in terms of revised Pension Payment Order.

The entitlement of the writ petitioner to interest on delayed payment of gratuity due to superannuation 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 14th February, 2020 till the date of actual disbursement of the revised 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.)