

Ct. 05
Item No. 209
08.10.2021
TN

WPA 14293 of 2021
(VIA VIDEO CONFERENCE)

Subrata Sarkar
Vs.
The State of West Bengal and others

Mrs. Sabita Khutia (Bhunya)
.....for the petitioner

Md. Mansoor Alam
.....for the State

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

The writ petitioner is a retired assistant teacher, who superannuated on 31st March, 2019. On superannuation of the writ petitioner, first Pension Payment Order issued on 1st March, 2019 and as per the first Pension Payment Order disbursement of retiral benefit was made on 24th April, 2019. Subsequently, due to revision of pay as per ROPA 2019 revised Pension Payment Order was issued on 30th December, 2020 and disbursement as per revised Pension Payment Order was made on 24th May, 2021. 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 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 in favour 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.)