

16
27.09.2021
P.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A. 15311 of 2021
(Via Video Conference)**

**Ganesh Bhunia
-versus
The State of West Bengal & Ors.**

Mr. Biswajit Mal.
...For the Petitioner.
Mr. Rezaul Hossain
... for the State

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

None appears on behalf of the State respondents in spite of service.

The father of the petitioner was an approved Hostel Employee of Sabang Sajani Kanta Mahavidyalay. He died-in-harness on 17.06.2006. The grievance of the petitioner is that the gratuity amount was disbursed only on 16.03.2020. The petitioner claims interest on delayed payment of the gratuity amount.

I have heard learned counsel for the petitioner and considered the orders passed by this court in similar facts.

It is settled law that the right of heirs of a deceased employee to get his death benefits is a valuable right which accrues in his favour on the date of his

death. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim. The heir of an employee has a statutory right to receive gratuity and pension on the death of the employee. If payment of such gratuity and pension is delayed the heir is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the gratuity and pension amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the heir of the deceased employee. Pension and gratuity are welfare provisions aimed at maintaining the life of the heir(s) of the deceased employee and his/her dependents. This is compensatory in nature.

In view of the aforesaid, I direct the Director of Public Instruction, Government of West Bengal and also the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 5% per annum on the gratuity calculated on and from the date of death till the date of actual payment.

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

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

W.P.A. 15311 of 2021 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)