

10.12.2021
SL No. 138
Court No. 24
(P.M.)

WPA 18414 of 2021

**Amiya Kumar Sanki
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Ms. Sreyasree Choudhury
... for the petitioner

Ms. Rupsha Chakraborty
... for the State

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

The petitioner was an approved Assistant
Teacher and retired from service on
30.04.2020. The grievance of the petitioner is
that the gratuity and arrear pension amount
was disbursed to him only on 30.09.2021. The
petitioner claims interest on delayed payment of
the gratuity and arrear pension amount.

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

It is settled law that the right of a retired
employee to get his/her retiral dues on the date
of attaining superannuation is a valuable right
which accrues in his/her favour on the date of
his attaining superannuation. Further, gratuity
and pension are no more considered to be a

bounty to be handed out by the State at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee 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 retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 7% per annum on the gratuity and arrear pension calculated on and from the due date 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.

The concerned respondent authority is directed to take appropriate steps in accordance with law against the erring officer(s) for whose fault there has been delay in releasing the retirement benefit to the petitioner.

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

W.P.A. 18414 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.)