

22.03.2021.
Item no. 27.
Court No.13
pk

**W.P.A. No. 8216 of 2020
(Through Video Conference)**

**Smt. Sumitra Hembram & Ors.
Versus
Union of India & Ors.**

Mr. Chittaprya Ghosh,
Mr. Samir Kumar Adhikari
...for the petitioners.

Ms. Ashima Roy Chowdhury.
...for the UOI

Mr. Kallol Basu,
Ms. Sujata Mukherjee
....for the Kolkata Port Trust.

All that remains to be determined is as to whether the petitioners are entitled to any interest on terminal benefits of the husband of the petitioner no. 1, late Sukram Hembram.

The husband of the petitioner no. 1 died in the year 1996. Admittedly, the said terminal benefits were paid in the year 2020. The provident fund has not been paid till date. The Port Trust has forwarded 'M' Form for provident fund in the year 1996 itself. The petitioners admittedly went to submit the form after the year 2020.

Counsel for the petitioners submits that the Port Trust authority has refused to accept the same in view of the pendency of the writ petition. Counsel for the Port Trust vehemently denies such allegations and submits that his client was ready and willing to receive the 'M' Form right from the year 1997.

It appears from the record that some time in the year 1997 and/or immediately after the death of Sukram Hembram, the Port Trust has furnished all relevant forms to the petitioners for being filled up and submitted. While there may be delay on the part of the petitioners in submitting forms, all payments except the amount of P.F. have been made only in the year 2020. Irrespective of who is to blame for the delay, the fact remains that the Port Trust was holding funds towards the terminal benefits of the petitioners and has enjoyed accrued interest thereon. Such interest is the property of the petitioners. Terminal dues and delay in making payment thereof invariably attracts interest, as held by the Hon'ble Supreme Court even in February 2021.

Considering the complicity of the petitioners in committing delay and in receiving terminal benefits, all terminal benefits paid and/or payable to the petitioners shall carry interest @7% per annum from the date of death of Sukram Hembram, till the date of actual receipt. The 'M' Form for payment of P. F. shall be submitted by the petitioners and received by the Port Trust, within the next 3 days.

With the aforesaid observations, the instant writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(*Rajasekhar Mantha, J.*)