

21.01.2021
Item No.19
AP/ss

WPA 24 of 2021

Digendra Nath Sarkar

-Vs.-

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Debajit Kundu

.. ... for the petitioner

Mr. Subir Kumar Saha

Ms. Bedashruti Bose

... .. for the respondents

The petitioner was a retired Assistant Teacher in a High School who retired on superannuation on 30th September, 2011 and the Pension Payment Order was issued vide Memo dated 17th August, 2012 releasing retiral dues in his favour. Ultimately, pursuant to the said Pension Payment Order dated 17th August, 2012 disbursement was made in favour of the petitioner on 8th November, 2012. Petitioner claims interest on delayed payment of gratuity.

Having seen the chronological facts of this case, though this Court has reservation in granting interest in favour of the writ petitioner due to delay in approaching this Hon'ble Court, payment of retiral dues was made on 8th November, 2012 and the writ petition has been filed in the month of January, 2021, but while answering this point of delay learned advocate for the writ petitioner placed reliance upon an order dated 17th April, 2019 passed in WP 4600 (W) of 2019 (Rabindra Kumar Bhattacharjee Vs. The State of West Bengal & Ors.) wherein upon placing reliance on the judgment of

the Apex Court in the case of ***Union of India Vs. Tarsem Singh*** reported in **2008 (8) SCC 648** the delay was condoned in approaching the Court for payment of interest on gratuity since there was no accrual of third party interest and matter relates to payment of retiral dues.

Taking note of the observation by the coordinate Bench made in the order dated 17th April, 2009 passed in WP 4600 (W) of 2019 (Rabindra Kumar Bhattacharjee Vs. The State of West Bengal & Ors.) this Court finds it apposite to grant interest on gratuity to the petitioner due to delay in releasing the said amount.

Accordingly, Director of Pension, Provident Fund & Group Insurance being the respondent No.2 and the Treasury Officer being the respondent No.4 are directed to pay interest at the rate of ₹8% per annum to the writ petitioner on delayed payment of gratuity for the period from 1st October, 2011 till the date of actual disbursement of the same within a period of eight weeks from the date of communication of the order.

Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties after compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)