

21.01.2021
Item No.20
AP/ss

WPA 26 of 2021

Indra Bahadur Rai

-Vs.-

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Debajit Kundu

.. ... for the petitioner

Mr. Bikramaditya Ghosgh,

Mr. M. Rahman

... .. for the respondents

The petitioner was a retired Assistant Teacher in a High School who retired on superannuation on 31st July, 2013 and the Pension Payment Order was issued vide Memo dated 19th January, 2016 releasing retiral dues in his favour. Ultimately, pursuant to the said Pension Payment Order on 23rd February, 2016 disbursement was made in favour of the petitioner. 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 23rd February, 2016 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, 2019 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 August, 2013 till the date of actual disbursement of the same.

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.)