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06.04.2022
d.p.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2789 of 2022

Biplab Chakraborty
-versus
The State of West Bengal & Ors.

Mr. Sobhan Majumder,
Mr. K. Paul.
...For the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the State.

Mr. Shamim Ul Bari,
...For the DPSC.

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

The petitioner retired as a primary school teacher on 31st March, 2021. He filed the writ application praying for a direction upon the respondent authorities to immediately issue the Pension Payment Order in his favour.

It has been submitted by the learned advocate appearing for the petitioner that during the pendency of the writ application, Pension Payment Order has been issued in his favour on 3rd February, 2022.

The petitioner prays for interest on account of delayed payment of his retiral dues.

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 a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his 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, pension and group insurance 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 5% per annum on the gratuity and pension calculated on and from the due date till the date of actual payment. The respondent no. 3 being the Director, Directorate of Pension, Provident Fund and Group Insurance is directed to immediately disburse the provident fund and group insurance due and payable to the petitioner along with interest @5% per annum from the next date of retirement of the petitioner 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.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)