

Item No. 7

02.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3285 of 2022
Ashok Kumar Dhara

v.

The State of West Bengal & Ors.

Mr. Pankaj Halder
... for the petitioner.

The petitioner retired from service on attaining his normal age of superannuation on January 31, 2020. The date of appointment of the petitioner was January 16, 2010 and the date of joining was February 25, 2010. There was shortfall of twenty-three days in attaining the minimum qualifying service period of ten years.

In view of the shortfall, pension of the petitioner was not allowed.

Thereafter, the petitioner approached the Court and the shortfall in the qualifying service period of twenty-three days stood condoned and pension was made payable in his favour.

The petitioner submits that even after the period of shortfall stood condoned, the pension sanctioning authority did not take steps for releasing the pension in his favour. Accordingly, he filed the present writ petition.

The initial case of the petitioner was that till the hard copy of the PPO was handed over to him, he could not apply for the no liability certificate. During the

course of argument in the present writ petition a photocopy of the PPO was handed over to the learned advocate for the petitioner.

The petitioner has presently obtained the no liability certificate and has submitted the same before the Treasury Officer. Pension is yet to be released in his favour. The petitioner claims interest on account of delayed payment of his retiring gratuity, pension and arrear pension.

The instant writ petition is disposed of by directing the Treasury Officer to take immediate steps for releasing arrear pension, pension and gratuity in favour of the petitioner at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner will be entitled to receive 5% interest on account of the delayed payment of his retiring gratuity, which ought to have been paid to him immediately upon his retirement. The gratuity amount including interest shall be disbursed within the time as specified hereinabove.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)