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01.02.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

W.P.A. 8340 of 2021

**Kamala De
-versus
The State of West Bengal & Ors.**

**Ms. Sudipa Biswas.
...For the Petitioner.**

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

None appears on behalf of the State respondents in spite of service.

The husband of the petitioner was a head teacher and retired from service on 30.07.1993. He died on 01.07.1999. The grievance of the petitioner is that the Pension Payment Order was issued on 06.01.2000 but the gratuity and arrear pension amount was disbursed to her on 04.05.2000. The petitioner being the widow claims interest on delayed payment of the gratuity and arrear pension amount.

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 is noticed that the teacher though retired on 30th July, 1993 and died on 1st July, 1999 but he did not take any steps for not receiving his retiral dues. The widow received the gratuity and arrear pension amount way back on 4th May, 2000. The petitioner after receiving the aforesaid dues never raised any issue or claimed interest on account of delayed payment of gratuity and arrear pension. The same implies that the petitioner waived her right to claim interest. It is not open for the widow to raise any claim with regard to delayed payment of gratuity and arrear pension which was payable in favour of her husband more than twenty years after the dues were paid.

In view of the above, the Court is not inclined to exercise jurisdiction in the matter and grant any relief in favour of the petitioner.

The writ petition is dismissed.

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

(Amrita Sinha, J.)