

06-9-2022
SL. No.40
Court No.19
CP

W.P.A. No. 12316 of 2021

Md. Azimuddin
Vs.
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

...for the Petitioner.

Mr. Rajarshi Basu
Mrs. Neelam Singh
...for the State.

The petitioner was a Panchayat Secretary of the Pukuria Gram Panchayat, District – Malda, who retired from service on **31.07.2012**. The pension Payment Order was issued in favour of the petitioner on **04.11.2013**. The petitioner received the arrear pension on **31.12.2013**.

The grievance of the petitioner is that interest on the delayed payment of arrear pension has not been paid.

It is the 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 attaining superannuation. Any delay will carry interest.

Gratuity and pension are no longer a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity and pension as also interest on delayed payment of the same, upon retirement.

As such, in view of decision of **Union of India Versus Tarsem Singh reported in (2008) 8 SCC**

648 in spite of delay in making the application for interest on gratuity the delay is not a fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

In view thereof, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay to the petitioner interest on the arrear pension @ 8% per annum from the date of retirement till the actual date of actual payment. Such payment shall be made within 12 weeks from the date of service of an authenticated copy of this order.

Needless to mention that before any disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant, who is before this Court.

With the aforesaid observation and directions, this writ application stands disposed of.

There will, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(Shampa Sarkar, J.)