

06-9-2022
SL. No.38
Court No.19
CP

W.P.A. No. 12281 of 2021

Prativa Daw
Vs.
The State of West Bengal & Ors.

Mr. Sudip Sarkar

...for the Petitioner.

Mr. Wasim Ahmed

...for the State.

The husband of the petitioner was a Job Assistant of the Sandeler Bill Gram Panchayat, District – North 24 Parganas, who retired from service on **28.02.2007**. The pension Payment Order was issued in favour of the petitioner's husband on **20.01.2009**. The husband of the petitioner received the gratuity and arrear pension on **06.04.2009**. The husband of the petitioner died on **20.04.2019**.

The grievance of the petitioner is that interest on the delayed payment of gratuity and 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 revised gratuity and revised arrear pension @ 8% per annum on the gratuity and arrear pension amount from the date of retirement of the husband of the petitioner 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.)