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08.04.2022
A.B.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 14214 of 2021

Shyama Chatterjee
-versus
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)
...For the Petitioner.
Mr. Tapas Kumar Dey
... for the State

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

The petitioner was a Primary School Teacher and she retired from service on 31.03.2020. The grievance of the petitioner is that the gratuity and arrear pension amount was disbursed to her only on 17.06.2021. The petitioner claims interest on delayed payment of the gratuity and arrear pension amount.

Learned advocate for the State respondent received instruction from the District Inspector of Schools (P.E.), Howrah that the claim of the petitioner for grant of interest is not justified because his pension case was processed as per existing rule. Due to revision of pay some extra time had been taken for disbursal of the terminal dues.

I have heard learned counsel for the parties 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 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 arrear pension calculated on and from the due date 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 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.

Instruction given by the District Inspector of Schools (PE), Howrah dated 27th September, 2021 be retained with the records.

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.)