

111
02.02.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 16094 of 2021
(Via Video Conference)**

**Abeda Khatun
-versus
State of West Bengal & Ors.**

**Ms. Debjani Sahoo.
...For the Petitioner.**

**Mr. Biswanath Samanta.
...For the State.**

The petitioner retired as a primary school teacher on 30th November, 2018. She claims that Pension Payment Order was issued in her favour on 18th October, 2019 and the gratuity was paid to her on 14th November, 2019. She claims interest on account of delayed payment of the gratuity amount.

The learned advocate appearing for the State respondents submits, upon instructions from the District Inspector of Schools (P.E.), Malda, that prior to the date of superannuation, the petitioner was informed to submit necessary papers by the concerned Sub-Inspector of Schools on 19th December, 2017 for the preparation of pension papers.

From the papers submitted by the petitioner it was found that her designation was wrongly mentioned as Assistant Teacher. The basic pay of the petitioner

was also submitted by her incorrectly in the e-pension portal.

Several communications were made by the office of the District Inspector of Schools (P.E.), Malda requesting the petitioner to rectify the information submitted by her in the e-pension portal.

It is only after necessary correction was made, Pension Payment Order was issued in her favour on 18th October, 2019.

It has been submitted that there is no deliberate delay on the part of the respondents in issuance of the Pension Payment Order in her favour.

It is only because of the delay on the part of the petitioner to submit necessary documents for obtaining the pension, delay has occurred for the issuance of the Pension Payment Order.

In view of the aforesaid submission made by the respondents, it appears that the delay in issuance of the Pension Payment Order was because of the action of the petitioner and not because of the State respondents. There was hardly any delay on the part of the respondents in disbursing payment to the petitioner.

In view of the above, prayer of the petitioner for grant of interest on account of delayed payment of gratuity cannot be accepted.

The writ petition fails and is hereby dismissed.

The instruction given by the District Inspector of Schools (P.E.), Malda be retained with the records.

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

(Amrita Sinha, J.)