13.04.2022
SL No. 365
Court No. 24
(P.M)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19640 of 2021

Ruby Kanrar
Vs
The State of West Bengal & Ors.

Ms. Sudipa Biswas
... for the petitioner

Mr. Sudipto Panda,
Mr. Sajal Pandit
.... for the State

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

The husband of the petitioner was a Primary School Teacher and retired from service on 31.01.2020 and died on 06.02.2020. Pension Payment Order was issued in his favour on 22.01.2020 and the arrear pension amount was disbursed in his favour on 30.09.2021.

After the death of the teacher on 06.02.2020 the petitioner being the widow has approached this Court praying for interest on account of delayed payment of the 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 was the bounden duty of the State to disburse the pension 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 arrear pension calculated on and from the due date till the date of actual payment, provided the delay caused was not attributable to the petitioner.

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 with 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.

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.)**