23.02.2022
Sl. No.06
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 20405 of 2021

Dulpa Guria
Vs.
The Government of India
Department of Telecommunications & Ors.

Mr. Subhrangsu Panda
....for the petitioner.

Mr. Ajay Dasgupta
....for the respondent nos.1-4.

Mr. Swapnalekha Auddy
....for the respondent no.6.

Two affidavits of service filed in Court today are taken on record.

The petitioner's husband was an employee under the Department of Telecommunication at the office of GMT, Kharagpur under Bharat Sanchar Nigam Limited (in short BSNL). The petitioner's husband retired from service on attaining the age of superannuation. The petitioner's husband was receiving pension till his death on 29th June, 2015. The petitioner claims to be entitled to the family pension immediately after the death of her husband. On the basis of the petitioner's claim, family pension has been ultimately paid on 26th April, 2018 with all arrears between 29th June, 2015 and 26th April, 2018. The petitioner had made a representation to the employer for interest on the arrear amount due to the delay in paying the same. Since such representation was not disposed of, the petitioner has approached this Court for the interest on the arrear amount between 29th June, 2015 and 26th April, 2018.

On behalf of the respondent nos.1-4, it is submitted that the delay in disbursing the family pension occurred due to mismatch in the name and other particulars of the petitioner in the various documents submitted by her for processing the family pension.

Without going into the disputes as to the reasons which resulted in belated disbursal of the family pension, the fact remains that the respondent nos.1-4 were supposed to pay the money immediately after the death of the petitioner's husband, but was ultimately required to pay the same on 26th April, 2018. The money, which was to flow out of the coffer of the respondent nos.1-4, remained with them till 26th April, 2018. The respondent nos.1-4, therefor, have derived benefit out of such money.

On the other hand, the petitioner, having not been able to derive the benefit out of the money, has suffered certain loss. The respondent nos.1-4, therefor is required to compensate the petitioner by paying interest for the delayed period.

In the aforesaid facts and circumstances, the respondent nos.1-4 are directed to pay interest on the arrear sum on account of family pension that accrued between 29th June, 2015 and 26th April, 2018 to the petitioner @ 6% per annum. The rate of interest is not only reasonable and fair but also the prevailing bank interest rate. The interest rate @ 6% has also been approved by the Hon'ble Supreme Court in the judgment reported in 2021 SCC Online SC 237 (State of Andhra Pradesh & Anr. v. Dinavahi Lakshmi Kameswari).

The respondent no.6, bank is represented and as such, shall immediately take steps for disbursal of the amount to the petitioner once the same is paid by the respondent nos.1-4.

The parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(**Arindam Mukherjee, J.**)