

22-11-2022
SL. No.218 (ML)
Court No.19
srn

W.P.A. No. 19686 of 2019

Sakhi Rani Das
Vs.
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)
...for the Petitioner.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The husband of the petitioner was a Panchayat Karmee of the Ranaghat No.5 Gram Panchayat, who died-in-harness on 29.05.2007. The pension Payment Order was first issued on 28.10.2009 and after introduction of ROPA, 2009, revised pension payment order was issued on 26.07.2016. The petitioner received the retirement benefits on 01.12.2016 on the basis of ROPA 2009.

Having regard to the order passed by the Hon'ble Division Bench of this Court dated August 14, 2013 in MAT 1118 of 2013 read with the circular dated June 25, 2002 issued by the Joint Director of Treasuries and Accounts, West Bengal, held that there cannot be any dispute to the entitlement of interest on delayed payment of revised gratuity and revised arrear pension. Thus, in this case as well, the same principle will apply.

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 arrear family pension @ 8% per annum from the date of entitlement to the revised arrear family pension as per ROPA, 2009 till the date of actual payment of the revised arrear family pension. 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.)