

28.09.2022
Court No. 19
Item no.30
CP

W.P.A. No. 22326 of 2022
Aparup Barman
Vs.
The State of West Bengal & Ors.

Mr. Arun Khutia
....for the petitioner.

Md. Mansoor Alam
...for the State.

Affidavit of service filed in Court today be kept
with the records.

The petitioner was a Trainer of Pisciculture
Orgram Samanyee Prokalpa of Burdwan Zilla
Parishad, District – Purba Bardhaman, who retired
from service on **31.01.2021**. The pension payment
order was issued to him on **21.10.2021** and he
received the gratuity and arrear pension on
07.02.2022.

The grievance of the petitioner is that interest
on the delayed payment of gratuity and arrear
pension has not been paid.

It is now settled law that pension and gratuity
amount is to be released to the retired employee
immediately upon retirement and in case of delay in
releasing the pension and gratuity amount, the
retired employee is entitled to get interest.

Similar orders have already been passed by this Court, by which retired employees were granted interest for delayed payment of gratuity and arrear pension.

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 attaining superannuation.

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.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasury Officer are directed to pay interest @ 8% per annum on the gratuity and arrear pension amount from the date of retirement till the actual date of disbursement.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

Needless to mention that before any such 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 has approached this court.

With the aforesaid observation and directions, the writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)