

22.11.2022
SL. No.230(ML)
Court No.19
srm

W.P.A. No. 20909 of 2019

Nirmal Kumar Sarkar

Versus

The State of West Bengal & Ors.

Mr. Sandip Ghosh

...for the Petitioner.

Affidavit of service filed in Court today is taken on record. Despite service, none appears on behalf of the respondents.

The petitioner was a Panchayat Executive Assistant of Itinda Panitar Gram Panchayat, District-North 24-Parganas, who retired from service on 31.12.2010. The pension payment order was issued to him on 14.09.2012 and he received the arrear pension on 01.12.2012.

The grievance of the petitioner is that interest on the delayed payment of 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.

As such, in view of decision of Union of India Verus Tarsem Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

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 arrear pension 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, 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.)