

09.11.2022
Court No. 19
Item no.47
GB

W.P.A. No. 23679 of 2022

Malay Kumar Chakraborty

Vs.

The State of West Bengal & Ors.

Ms. Pritikana Gantait.

.....for the petitioner.

Mr. Jahar Dutta,

Mr. Bipin Ghosh.

..... for the State.

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

The petitioner was an approved Executive Assistant of Nilkunthia Gram Panchayat, District – Purba Medinipur, who retired from service on **31.03.2021**. The pension payment order was issued to him on **07.07.2021** and he received the gratuity and arrear pension on **31.12.2021**.

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.)