

**Ct.
No.
14**

**15.12
2022**

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Ganesh Chandra Roy (Lohar)

-Versus-

The State of West Bengal & Ors.

Mr. Souri Ghosal

Mr. Prabhat Kumar Singh

...For the Petitioner

Ms. Mitali Mukherjee

...For the Respondents

Learned Counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and pensionary amount is his property. He further submits that had the petitioner received his pensionary benefits in time, the amount, which he would have received, would carry interest at the market price.

From a document annexed to this writ petition at page 17 it appears that the petitioner received his arrear pensionary benefits including gratuity on 2nd December, 2020. He retired from services on 31st January, 2020. This shows that there was a delay in disbursing his pensionary dues.

It is now a settled proposition of law that to grant pensionary benefit to an employee, who retires from service giving his everyday to employer is not the bounty of the Government. Pensionary benefit is the property of an employee, who retires from service.

Having heard the learned Counsels appearing for the parties and on consideration of the materials placed on record, I find that the writ petition has merit to succeed.

Accordingly, the writ petition is allowed.

The respondents are directed to pay interest at the rate of 6% p.a. on the delayed payment of pensionary benefits and gratuity to the petitioner from the date of his retirement on 31st January, 2020 till the amount is paid to him.

With the above direction, the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

All parties shall act on the server copies of this

order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the petitioner on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)