

Ct. 15.12
No. 2022
14
akb

W.P.A. 27107 of 2022
Dilip Kumar Maghila
-Versus-
The State of West Bengal & Ors.

Mr. Sudip Sarkar
Ms. Sabita Khuti (Bhunya)
Ms. Arpita Saha **...For the Petitioner**

Mr. Swapan Kumar Pal **...For the Respondents**

The writ petitioner retired from service as Librarian of Ranidandha Yuba Sangha Pathagar, Kalna, Purba Burdwan on 31st January 2017 on superannuation. After he retired from service, the respondent No. 2 the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, vide first Pension Payment Order dated 14th March, 2017 sanctioned the amount of pension, gratuity and arrear pension payable to the petitioner. After issuance of the Pension Payment Order, gratuity and arrear pension were disbursed to him on 2nd May, 2017. Thereafter, after a lapse of long time, arevised Pension Payment Order as per ROPA 2019 was issued by the respondent No. 2 on 19th July, 2021 sanctioning the rest gratuity and arrear pension which was admissible to him. The petitioner received the arrear gratuity and arrear pension on 5th August, 2021. Because of the delayed payment of gratuity and arrear pension, thepetitioner is entitled to get interest thereon. Under such circumstances, the petitioner seeks direction upon the respondents so that the interest on the delayed disbursement of the amount is paid to him.

Learned Counsel appearing for the petitioner submits that getting gratuity and pensionary benefits is the legal right of an employee who retired from service giving his heyday to his employer. The pensionary benefits are the property of an employee who retires from services. On such

score, learned Counsel emphasises that the petitioner is entitled to get the interest on the delayed payment. However, learned Counsel appearing for the State respondents, leaves the matter to the Court to pass necessary order as the Court deems it just.

Having heard the learned Counsels appearing for the parties and on perusal of the documents placed on record, I find that there was a delay on the part of the respondents to disburse the gratuity and pension admissible to the petitioner as per the pension payment order and revised pension payment order.

Now it is the settled legal proposition that an employee who retired from services is entitled to get interest because of the delayed disbursement of his/her pensionary benefits.

Accordingly, the writ petition is allowed.

The respondents are directed to pay the interest at the rate of 6% p.a. on the delayed payment of gratuity and other pensionary benefits to the petitioner from the date of his retirement on 31st January, 2017 till the amount is paid to him.

Since, no affidavit-in-opposition has been invited 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 appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)