

Ct. 15.12
No. 14 2022
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W.P.A. 27111 of 2022
Rathindra Nath Mandal
-Versus-
The State of West Bengal & Ors.

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

Affidavit-of-Service filed on behalf of the petitioner be taken on record.

Despite service of notice, there is no representation on behalf of the State respondents at the time of call.

In view of the above, the writ petitioner is taken up for hearing in absence of the State respondents.

The writ petitioner states that he retired from services as Librarian of the Sargachi Ramkrishna Mission Library, Beldanga, Murshidabad on 31st January, 2017 on superannuation. On his retirement, the respondent No. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, issued his Pension Payment Order dated 20th February, 2017, sanctioning the gratuity, pension, arrear pension etc. in favour of the petitioner. But the gratuity and the arrear pension were disbursed to him on 3rd April 2017. After a lapse of long time, revised Pension Payment Order in terms of ROPA 2019 was issued by the respondent No. 2 on 2nd December 2021 sanctioning the rest gratuity and arrear pension amount, which was admissible to him. The rest gratuity and arrear pension amount were disbursed to him on 13th December 2021. The petitioner submits that because of the delayed payment of the gratuity and other pensionary benefits to him, he 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 retires from service giving his heyday to his employer. The pensionary benefits are the property of an employee who retired from services. On such score, learned Counsel emphasises that the petitioner is entitled to get the interest on the delayed payment.

Having heard the learned Counsel appearing for the petitioner 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 Pension Payment Order and revised Pension Payment Order.

Now it is the settled legal proposition that an employee who retires 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.*)