

21.12.2022
Court No. 19
Item no.34
CP

WPA No. 28193 of 2022

Jharna Hansda & ors.
Vs.
The State of West Bengal & Ors.

Ms. Dipa Bhattacharya
...for the petitioners.

Affidavit of service filed in Court today be taken on record.

The husband of the petitioner No.1 was a Secretary of Raina 1 No. Gram Panchayat, District - Burdwan, who died-in-harness on **03.11.2008**. The pension payment order was issued on **26.06.2012** and the petitioners received the death gratuity on **01.08.2018**.

The grievance of the petitioners is that interest on the delayed payment of death gratuity has not been paid.

It is now settled law that pension and gratuity amount is to be released to the retired employee or his heirs immediately upon retirement or death of the employee and in case of delay in releasing the pension and gratuity amount, the retired employee or his legal heirs is entitled to get interest.

Similar orders have already been passed by this Court, by which legal heirs were granted interest for delayed payment of arrear family 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 Versus Tarmen 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 to the petitioners @ 8% per annum on the delayed payment of death gratuity amount from the date of death of the employee till the actual date of disbursement. Such amount shall be divided between the petitioners in equal proportion.

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 disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signatures and identity of the claimants, who are before 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.)