

21.12.2022
Court No. 19
Item no.35
CP

WPA No. 28194 of 2022

Nilima Bandyopadhyaya
Vs.
The State of West Bengal & Ors.

Ms. Dipa Bhattacharya
...for the petitioner.

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

The husband of the petitioner was an Executive Assistant of Paratala (II) Gram Panchayat, who retired on **30.11.2020**. The pension payment order was issued on **19.09.2021** and the petitioner received the gratuity and arrear pension on **01.12.2021**. The husband of the petitioner died on **16.02.2022**.

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.

As such, in view of decision of Union of India Verus Tarsem 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 @ 8% per annum on the gratuity and arrear pension amount from the date of entitlement 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, this writ application stands disposed of.

There will, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(Shampa Sarkar, J.)