

26.08.2022.
Court No.13
Item No. 28
pk

CAN 2 of 2022
In
W.P.A. No. 28360 of 2016
Lakshmi Biswas and another
Versus
The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

...For the petitioner.

Mr. Avishek Prasad.

..For the State.

In Re: CAN 2 of 2022 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 07.06.2022.

The said order is recalled and the writ petition is restored to its original file and number.

Accordingly, CAN 2 of 2022 is disposed of.

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

In Re: WPA 28360 of 2016

The original writ petitioner Rabindra Nath Biswas was an Assistant Teacher, who retired from service on 31.12.2004. He died on 22nd May, 2018. During his lifetime he switched over his option from CPF to GPF in terms of the decision of this Court. The respondents allowed the same and the present petitioners are receiving pension from 13th July, 2015.

It is now well settled that the pension even upon switch over from CPF to GPF is payable from the date

of retirement of the employee. The petitioners would therefore be entitled to receive family pension on account of the deceased teacher from the date of retirement.

In those circumstances, the petitioners shall be entitled to arrears of pension from 31.12.2004 till 12th July, 2015.

The petitioners shall also be entitled to interest on arrears of pension at the rate of 6 per cent per annum from 2004 till the date of actual payment.

Such arrears of pension on account of the deceased, Rabindra Nath Bisws, shall be paid to the petitioners within a period of one month from date.

The petitioners also pray for interest on delayed payment of gratuity from 31.12.2004 to 10th May, 2011.

The petitioners shall be entitled to interest at the rate of 7 per cent per annum on the delayed payment of gratuity amount of Rs.1,55,657/- from 31.12.2004 till 10th May, 2011.

The aforesaid order is passed in view of the settled decision of law that any delayed payment of any retirement benefits would entitle the employee and/or his family to interest.

It is made clear that in the event arrears along with interest, as directed herein above, is not paid within a period of 45 days from date, the rate of interest shall increased by further 1 per cent.

With the aforesaid observations, the writ petition is disposed of.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)