

06.05.2022
21
S.B.

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA 87 of 2022

Piyali Barman
-vs-
The State of West Bengal & Ors.

Mr. Debajit Kundu ...for the petitioner

Mr. Bikramaditya Ghosh
Mr. Momenur Rahman ...for the State

Affidavit of service filed by the petitioner is taken on record.

The writ petitioner is the wife of deceased retired teacher who retired on superannuation on 12th June, 2018. After retirement of the husband of the petitioner, pension payment order was issued on 8th July, 2020 and accordingly, retiral dues including gratuity were released in favour of the petitioner's husband. Subsequently, the husband of the petitioner died on 2nd October, 2020 and the petitioner has preferred this writ petition claiming interest on gratuity which has been released belatedly.

State respondents are represented by Mr. Bikramaditya Ghosh, learned advocate.

The entitlement of the writ petitioner to interest on gratuity due to superannuation has

already been decided in the writ petition being W.P.No.4600(W) of 2019 (***Rabindra Kumar Bhattacharjee vs State of West Bengal and Ors.***) wherein upon placing reliance on judgment of the Apex Court in the case of ***Union of India vs. Tarsem Singh, reported in (2008) 8 SCC 648*** on condoning delay in approaching the Court for payment of interest on gratuity the said writ petition was allowed by extending the benefit on delayed payment of gratuity upon due consideration of the fact that there is no accrual of third party interest and matter relates to payment of retiral dues.

Taking note of the observations made by the coordinate Bench in the order dated 17th April, 2019 passed in W.P. No. 4600(W) of 2019 (***Rabindra Kumar Bhattacharjee vs. State of West Bengal and Ors.***) this Court finds it apposite to grant interest on gratuity to the writ petitioner due to delay in releasing the said amount.

Accordingly, the Director of Pension Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest at the rate of **Rs.8%** per annum to the writ petitioner on gratuity from the date following the date of retirement of the husband of the petitioner till the disbursement of the gratuity amount within

a period of eight weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)