

Circuit Bench of Calcutta High Court at Jalpaiguri

28
04.05.2022
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W.P.A. 259 of 2022

Angsuman Bhattacharjya

-vs-

The State of West Bengal & Ors.

Mr. Debajit Kundu

....for the petitioner.

Mr. Bikramidtya Ghosh

Mr. Pretom Das

....for the State.

Affidavit-of-service filed in Court is kept with the record.

Husband of the deceased teacher is the petitioner in the present writ petition who has claimed interest on gratuity belatedly released in his favour. Petitioner's wife died on 29th January, 2013 in harness and subsequently Pension Payment Order was issued on 25th March, 2015 thereby releasing retiral dues in favour of the petitioner. Pursuant to the said Pension Payment Order disbursement was made in favour of the petitioner on 12th August, 2015. Writ petitioner claims interest on gratuity.

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

The entitlement of the writ petitioner to

interest on delayed payment of 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, West Bengal 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 date of the death of wife of the petitioner till the date of actual 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.)