

05.05.2022
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Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA 360 of 2022

Bhingu Gurung
-vs-
The State of West Bengal & Ors.

Mr. Debajit Kundu ...for the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose ...for the State

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

The petitioner is the wife of the deceased teacher who retired on superannuation on 31st March, 2017. After superannuation of the petitioner's husband, first pension payment order was issued on 25th August, 2017 and as per the first pension payment order, disbursement of retiral dues was made in favour of the husband of the petitioner. Thereafter, the petitioner's husband died on 28th August, 2019 and after the death of the husband of the petitioner, revised pension payment order was issued on 27th October, 2021 in terms of ROPA 2019. The petitioner being the wife of the deceased teacher has claimed interest on revised gratuity as per revised payment order.

State respondents are represented by Mr. Hirak Barman, 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 revised gratuity as per revised pension payment order from 14th February, 2020 till the date of actual disbursement of the revised gratuity amount in favour of the writ petitioner, 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.)