

Circuit Bench of Calcutta High Court at Jalpaiguri

58
10.05.2022
Bd.

W.P.A. 478 of 2022

Rita Rai

-vs-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty

....for the petitioner.

Mr. Subir Kumar Saha

Mr. Pretom Das

....for the State.

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

Petitioner's husband being the librarian
died in harness on 14th June, 2002. Due to death
of the husband of the petitioner terminal benefits
including gratuity were released in favour of the
petitioner on issuing Pension Payment Order
under Memo dated 15th November, 2006. Writ
petitioner claims interest on gratuity which has
been belatedly released in her favour.

State respondents are represented by Mr.
Subir Kumar Saha, learned additional
Government Pleader.

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 husband 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.)