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Circuit Bench of Calcutta High Court at Jalpaiguri

W.P.A. 493 of 2022

Denis Simon Tamang

-vs-

The State of West Bengal & Ors.

Mr. Debarshi Dhar

....for the petitioner.

Mr. Subir Kumar Saha, Ld. AGP

Mr. Momenur Rahman

....for the State.

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

Petitioner superannuated on 31<sup>st</sup> May, 2007 from the post of assistant teacher in a non-government aided primary school. After retirement of the petitioner Pension Payment Order was issued vide memo dated 19<sup>th</sup> February, 2008 and based on such Pension Payment Order retiral dues including gratuity were released in favour of the petitioner. Petitioner claims interest on gratuity which has been released belatedly.

State-respondents are represented by Mr. Subir Kuma 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 17<sup>th</sup> 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 the date of retirement of the

petitioner till the date of 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.)**