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Circuit Bench of Calcutta High Court at Jalpaiguri

W.P.A. 683 of 2022

Radha Lamgadhay (Rasaily)

-vs-

The State of West Bengal & Ors.

Mr. Debarshi Dhar

....for the petitioner.

Mr. Bikramaditya Ghosh

Ms. Bedashruti Bose

....for the State.

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

Petitioner's husband was a head teacher in a primary school who retired on superannuation on 30th April, 2009. After retirement of the husband of the petitioner Pension Payment Order was issued vide memo dated 8th November, 2013 and retiral dues including gratuity were released in favour of the husband of the petitioner. Subsequently, husband of the petitioner died on 9th November, 2020. Petitioner being the wife of the deceased retired primary teacher claims interest on gratuity since the same has been released belatedly..

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 the date of retirement of the 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.)