

1. 4.2022
sn/J-7

WPA 740 of 2022

Hamal Kumar Khati

Vs.

The State of West Bengal & Ors.

Mr. Tamal Taru Panda

Ms. Sabita Khutia(Bhunya)

...for the petitioner.

Despite service, none appears on behalf of the respondents. Let the affidavit of service be taken on record.

The petitioner was a Panchayat Executive Assistant of Takling-II Gram Panchayat, who retired from service on May 31, 2020.

The pension payment order was issued to him on **09.12.2020** and he received the gratuity and pension on **20.01.2021**.

The grievance of the petitioner is that interest on delayed payment of gratuity and on arrear pension has not been paid.

It is the settled law that the pension and gratuity is to be released to the retired employee, immediately upon retirement and in case of delay in releasing the pension and gratuity, the retired employee would be entitled to get interest.

Similar orders have already been passed by this Court, by which retired employees were granted

interest for delayed payment of gratuity and arrear pension.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation, is a valuable right which accrues in his favour on the date of attaining superannuation.

Gratuity and pension are no longer a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity and pension as also interest on delayed payment, upon retirement.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the Treasury Officer concerned are directed to pay interest at the rate of 8% per annum on the gratuity and arrear pension amount from the date of retirement till the actual date of disbursement.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

With the aforesaid observation and directions, this writ petition stands disposed of.

There shall be no order as to costs.

Urgent certified photostat copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)