

11.05.2022

33

S.B.

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA 762 of 2022

Nirmala Rizal

-vs-

The State of West Bengal & Ors.

Mr. Debajit Kundu ...for the petitioner

Mr. Subir Kumar Saha

Mr. Momenur Rahman ...for the State

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

The writ petitioner is a retired primary teacher, who superannuated on 31st October, 2020. After retirement of the petitioner, Pension Payment Order was issued on 27th July, 2021. Pursuant to such Pension Payment Order disbursement of retiral dues including gratuity were made in favour of the petitioner. The writ petitioner claims interest on gratuity which has been released in favour of the petitioner belatedly.

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

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 gratuity from the date following the date of retirement 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.)