

29.11.2022
Court No.2
Item No.67
Cp

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2539 of 2022

Malati Nagasia
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Mal

... For the petitioner.

Mr. Hirak Barman

Ms. Bedashruti Bose

...For the State.

The husband of the petitioner was a Panchayat Karmee of Chengmari Gram Panchayat, District – Jalpaiguri, who died in harness on **24.07.2011**. The pension Payment Order was issued in favour of the petitioner's husband on **28.01.2015**. The petitioner received the gratuity on **11.05.2015**.

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

It is the settled law that the right of a retired employee to get his/her retiral dues on the date of attaining superannuation is a valuable right which accrues in his/her favour on the date of attaining superannuation. Any delay will carry 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.

As such, in view of decision of Union of India vs. Tarsem Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasury Officer are directed to pay interest @ 8% per annum on the gratuity amount from the date of entitlement 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.

Needless to mention that before any such disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant who has approached this court.

With the aforesaid observation and directions, the writ petition is, thus, disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Shampa Sarkar, J.)