

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

Ms. Sabita Khutia (Bhunya) ...For the Petitioner

Let the affidavit of service filed today in Court be taken on record.

The petitioner's husband was an Assistant Teacher in a primary school who died in harness on **06.03.2015**.

The pension payment order was issued in the name of the petitioner on **31.03.2015** and the arrear pension and gratuity was disbursed to the petitioner on **14.07.2015**.

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

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

Similar orders have already been passed by this Court by which retired employees were granted interest for delayed payment of arrear pension.

It is the 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 to be a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity as also interest on delayed payment upon retirement. In this case the employee died in harness on **06.03.2014**, the Pension Payment Order was issued on **31.03.2015**.

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 revised arrear pension the delay is not a 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 Treasury Officer concerned is directed to pay interest at the rate of 8% per annum on the gratuity and arrear pension amount from the date of death of the husband of the petitioner 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, this writ petition stands disposed of.

There shall be no order as to costs.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(*Shekhar B. Saraf, J.*)