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2022
Ct. No. 1

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

W.P.A. 3231 of 2022
Dhanmaya Lakandri & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Debajit Kundu **...For the Petitioner**

Mr. Subir Kumar Saha
Mr. Momenur Rahman **...For the State Respondents**

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

The husband of the petitioner No.1 was a Teacher of High School, who died-in-harness on 27.12.2001. The pension payment order was issued on 09.8.2005 and the petitioners received the gratuity on 10.1.2006.

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

It is now settled law that pension and gratuity amount is to be released to the retired employee or his heirs immediately upon retirement or death of the employee and in case of delay in releasing the pension and gratuity amount, the retired employee or his legal heirs is entitled to get interest.

Similar orders have already been passed by this Court, by which legal heirs were granted interest for delayed payment of gratuity and arrear family 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 of the same, upon retirement.

As such, in view of decision of Union of India Verus Tarmen 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 to the petitioners @ 8% per annum on the gratuity and arrear family pension amount from the date of death of the employee till the actual date of disbursement. Such amount shall be divided between the petitioners in equal proportion.

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 disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signatures and identity of the claimants, who are before 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.)

