

Court No. 22
10.02.2023
(Item No. 31)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 862 of 2023

Sk. Md. Tosaddeque Hossain
VS
The State of West Bengal & Ors.

Mr. Sudip Sarkar
..... for the petitioner

Mr. Debasish Basu
..... for the State

Affidavit of service filed in Court today, is taken on record.

The petitioner was an approved **Assistant Teacher** at **Uluberia Hazi Ishaque D.U. Siddiquia Senior Madrasah, District – Howrah**. He had retired from her employment on **April 30, 2012**.

The pension payment order was issued by the concerned respondent on April 24, 2013. The petitioner had received pension and gratuity under the pension payment order on May 10, 2013. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from April 30, 2012**.

Mr. Debasish Basu, learned advocate for the State.

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the

disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the gratuity and arrear pension @ 8% per annum on and from the date of actual payment being received by the petitioner in terms of the pension payment order.

The entire exercise as directed above, shall be carried out and completed positively by the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amounts and the entitlement of the petitioner shall carry an additional interest of 2% per annum till the date the petitioner actually receives the same.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 862 of 2023** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)