

WPA 1329 OF 2023

Samima Khatun

Vs.

The State of West Bengal & Ors.

Ms. Arpita Saha

....For Petitioner

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

None appeared for the State.

The petitioners claimed to be the widow of one Late Sk. Abrar Ali since deceased who was employed as an **Head Teacher at Uluberia High Madrasah, District – Howrah.** The deceased employee **died-in-harness on 06.01.2016** as would be evident from the relevant documents at page 13 to the writ petition. The widow claimed to be sole claimant in respect of the death benefit of the deceased husband.

The **Pension Payment Order** was issued by the concerned respondent on **04.8.2017**. The petitioner had received family pension and gratuity under the **Pension Payment Order** on **22.8.2017**. The petitioner was entitled to pensionary benefit from the date of death of the deceased employee, the same was not paid.

The petitioners now claims interest for the delayed payment of the said ***gratuity and arrear family pension on and from 07.01.2016***

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 on ***arrear family pension @ 8% per annum*** on and from ***the date of death of the employee concerned*** till 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 petitioners shall carry an ***additional interest of 2% per annum*** till the date the petitioners 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 1329 of 2023** stands disposed of, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)