

WPA 1356 OF 2023

Khatija Bibi & Ors.

Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

....For Petitioners

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

None appeared for the State.

The petitioners claimed to be the widow and other legal heirs of one Md. Khairul Anam since deceased who was employed as an **Assistant Teacher at Mitna Sh Madrasah, District – Malda**. The deceased employee **died-in-harness on 29.9.2017** as would be evident from the relevant documents at page 12 to the writ petition. the widow and other legal heirs claimed to be claimants in respect of the retiral benefit of the deceased employee.

The **Pension Payment Order** was issued by the concerned respondent on **10.7.2018**. The petitioners had received family pension and gratuity under the **Pension Payment Order** on **06.8.2018**. The petitioners were entitled to pensionary benefit from the date of death of the employee concerned, the same was not paid.

The petitioners now claim interest for the delayed payment of the said ***gratuity and arrear family pension on and from 30.9.2017.***

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 petitioners in terms of the ***Pension Payment Order at page 14 of the writ petition.***

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 1356 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.)