

**Ct.
No.
14**

10.02
2023

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The State of West Bengal & Ors.

Ms. Dipanwita Ghosh Chaudhuri ...For the State Respondents

The petitioner by filing a writ petition, being W.P. 8586 (W) of 2018 sought for direction upon the concerned respondents to grant benefit of higher scale of pay. The said writ petition was disposed with a direction upon the District Library Officer, Howrah, to disburse the arrear salary in favour of the petitioner for the period from 1st August, 1988 to 30th August, 2010. Since an amount of Rs. 64,067/- was deducted as over drawn when the pension payment order was revised in accordance with higher scale of pay, the petitioner filed an another writ petition being W.P. 7708 (W) of 2020. A co-ordinate Bench of this Court by an order dated 4th May 2022 directed the concerned Authority to refund the overdrawn amount of Rs. 64,067/- as indicated in the revised Pension Payment Order to the petitioner within the stipulated period.

The petitioner states that the pensionary benefits as due to him were not disbursed in time. At paragraph 18 of the writ petition, the petitioner has given the details of the dues payable to him and the delay on the part of the respondent authorities to make disbursement of such dues. Now, the petitioner by filing this writ petition seeks direction upon the respondents to pay interest on the delayed payment of the arrear pensionary benefits to him.

Learned Counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of his client and the pensionary amount is his property. He further submits that had the petitioner received his pensionary benefits in time, the amount which he would have received, would carry interest.

Per contra, learned Counsel appearing for the State respondents strongly opposes the prayer made by the petitioner.

It is now a settled proposition of law that to grant pensionary benefit to an employee, who retires from service giving his heyday to his/her employer is not the bounty of the Employer. Pensionary benefit is the property of an employee who retires from service.

Having heard the learned Counsels appearing for the parties and on consideration of the materials placed on record I find that the writ petition has merit to succeed.

Accordingly, the writ petition may be disposed of by passing the following order.

The concerned respondents are directed to pay interest at the rate of 8% p.a. on the delayed payment of

pensionary benefits and gratuity to the petitioner from the dates as mentioned at paragraph 18 of this writ petition till the amount is paid to him within a period of eight weeks from the date of communication of this order.

With the above direction the writ petition stands disposed of.

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.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)