

Ct. 10.02
No. 14 2023
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W.P.A. 1886 of 2023
Sulagna Santra (Sanyal)
-Versus-
The State of West Bengal & Ors.

Mr. Sharanyo Chatterjee
Mr. Sagnik Bose
Ms. Subhanwita Ghosh **...For the Petitioner**

Ms. Jhuma Chakraborty
Mr. Aritra Ghosh **...For the State Respondents**

The petitioner retired from service on superannuation as a Librarian on 30th November, 2011. After her retirement, the first pension payment order was issued by the authority concerned on 29th May, 2012. Subsequently, a revised Pension Payment Order was issued on 20th June, 2012. Though the petitioner retired from service on 30th November, 2011, the pensionary benefits including gratuity, which were admissible to her were not disbursed in time. On the other hand, while the Pension Payment Order was issued, it was directed that a sum of Rs. 42,552/- would be deducted as overdrawn from her pensionary benefits.

Aggrieved by the said deduction of amount as overdrawn, the petitioner filed a writ petition being W.P.A. 6372 of 2022 and a co-ordinate Bench of this Court disposed of the said writ petition directing the concerned respondent authorities to refund the overdrawn amount of Rs. 42,552/- as indicated in the revised Pension Payment Order within a stipulated period.

It is stated by the petitioner that the overdrawn amount as deducted was due from 16th January, 2021, but the amount indicated was disbursed to her on 12th August, 2022, i.e., after 19 months. The details of the arrear pensionary benefits which were admissible to her and the dates on which the pensionary benefits were actually disbursed are

made at paragraph 19 of the writ petition.

Learned Counsel appearing for the petitioner submits that there was inordinate delay on the part of the concerned respondents in releasing the pensionary benefits to his client. Because of such delayed payment, the petitioner is entitled to get interest on such amount.

Now, the petitioner by preferring this writ petition seeks direction upon the concerned respondents to pay interest on the amount of pensionary benefits due to delayed payment of the same.

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

Per contra, learned Counsel appearing for the State respondents vehemently 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 feel that 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 as particularized at paragraph 19 to the writ petitioner from the dates of her entitlements till the amount is finally paid within a period of eight weeks from the date of communication of this order.

With the above direction the writ petition is 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.*)