Court No. 22

02.5.2023

(Item No. ML 25)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2927 of 2023

Monjua Begum
VS
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)
...... for the petitioner
Mr. Safik Dewan
...... for the State

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

This writ petitioner claimed to be the widow of one Late Md. Safiul Alam since deceased who was employed as an ***Assistant Teacher*** at **Asharubasti Jalal Uddin High Madrasah, District – Uttar Dinajpur**. The deceased employee died-in-harness on February 20, 2021 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 **October 4, 2021**. The petitioner had received family pension and gratuity under the Pension Payment Order on **November 11, 2021**. The petitioner was entitled to pensionary benefit from the date of death of the deceased employee, the same was not paid.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from February 21, 2021**.

Mr. Safik Dewan, learned counsel appears for respondents.

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 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 2927 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.)