

Court No. 22
02.5.2023
(Item No. ML 29)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 3275 of 2023

Firdosi Bibi
VS
The State of West Bengal & Ors.

Ms. Sabita Khutia Bhuinya
..... for the petitioner

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

This writ petitioner claimed to be the widow of one Late Md. Ahsanullah since deceased who was employed as an **Assistant Teacher** at **Kasbona Kanchannagar High Madrasah, District – Malda**. The deceased employee died-in-harness on December 17, 2020 as would be evident from the relevant documents 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 **December 20, 2021**. The petitioner had received family pension and gratuity under the Pension Payment Order on **December 22, 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 December 18, 2020**.

None 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 3275 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.)