

Court No. 22

02.5.2023

(Item No. ML 30)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3298 of 2023

Md. Shahidullah

VS

The State of West Bengal & Ors.

Mr. Krishna Keshab Paul

..... for the petitioner

Ms. Susmita Biswas Chowdhury

..... for the State

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

The petitioner was an approved **Assistant Teacher** at **Ghurisha Senior Madrasah, District – Birbhum**. He had retired from his employment on December 31, 2012.

The pension payment order was issued by the concerned respondent on July 8, 2013. The petitioner had received pension and gratuity under the pension payment order on October 8, 2013. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from January 1, 2013**.

Ms. Susmita Biswas Chowdhury, learned counsel appears for the State 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 Public Instruction and the concerned Treasury Officer are directed to pay interest on the gratuity and on arrear pension @ 8% per annum on and from the date of retirement 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 Public Instruction and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amount 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 3298 of 2023** stands disposed of.

There shall, however, be no order as to costs.

Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)