

14.03.2023
Court No. 19
Item no.32
CP

W.P.A. No. 5659 of 2023

Azmirah Arash

Vs.

The State of West Bengal & Ors.

Mr. Sudip Sarkar

....for the petitioner.

Mr. Kapil Guha

.....for the State.

Affidavit of service filed in Court today be taken on record.

The husband of the petitioner was an executive assistant of Kaliachak II Gram Panchayat, District - Malda, who retired from service on **28.02.2017** and died on **21.02.2021**. The pension payment order was issued to him on **13.11.2017** and he received the gratuity and arrear pension on **13.08.2018**.

The grievance of the petitioner is that interest on the delayed payment of gratuity and arrear pension has not been paid.

It is now settled law that pension and gratuity amount is to be released to the retired employee immediately upon retirement and in case of delay in releasing the pension and gratuity amount, the retired employee is entitled to get interest.

Similar orders have already been passed by this Court, by which retired employees were granted interest for delayed payment of gratuity and arrear pension.

It is settled law that the right of a retired employee to get his/her retiral dues on the date of attaining superannuation is a valuable right which accrues in his/her favour on the date of attaining superannuation.

Gratuity and pension are no longer a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity and pension as also interest on delayed payment of the same, upon retirement.

As such, in view of decision of Union of India Versus Tarmen Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasury Officer are directed to pay interest @ 8% per annum on the gratuity and arrear pension amount from the date of retirement till the actual date of disbursement.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

Needless to mention that before any disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant, who is before this Court.

With the aforesaid observation and directions, the writ petition is, thus, disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Shampa Sarkar, J.)