

M/L 430
25.01.2023
Court. No. 19
GB

W.P.A. 6344 of 2022

Sri Bistu Basek
VS
The State of West Bengal & Ors.

Mr. Parikshit Goswami

...for the Petitioner.

Ms. Jyotsna Roy Mukherjee

...for the State.

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

The petitioner was an employee of Bogdanagar Gram Panchayat, who retired from service on **31.01.2020**. The pension payment order was issued on **03.02.2021**. In the pension payment order it was mentioned that the petitioner was entitled to get pension from February 1, 2020. It is alleged that the pension was disbursed after more than one year from retirement.

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

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

Similar orders have already been passed by this Court, by which retired employees were granted interest on arrear pension.

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

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 arrear pension from the date of entitlement till the actual date of payment.

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.)