

28-03-2023
Item No.7
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.7035 of 2023
Arati Das
-vs-
The State of West Bengal & Ors.

Ms. Sudipa Biswas ...for the petitioner

Mr. Kapil Guha ...for the State

The writ petitioner is the wife of the employee who died-in-harness on February 20, 1986 as a peon of Mohyanpur Rural Public Library, Paschim Medinipur. After the death of the concerned employee, the pension payment order was issued by the authority concerned on June 18, 2013.

The petitioner's case is that though the concerned employee died on February 20, 1986, she received payment of her arrear pension on July 13, 2013. Hence she seek a direction upon the concerned authority to pay interest to her for the belated payment of arrear pension.

Learned counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and that the pensionary amount is not a bounty of the employer. She further submits that as per the nationalised savings scheme for the senior citizens, any deposit made by a senior citizen now carries interest at the rate of 8% p.a. She further submits that had the petitioner received her pensionary benefits in time, the amount which she would have received would carry interest at the rate of 8% p.a. As such, learned counsel prays for interest at the rate of 8% p.a. for the belated payment of pensionary

amount.

Having heard learned counsels appearing for the parties and on consideration of the documents annexed to the writ petition, I feel that the writ petition may be disposed of by passing the following direction.

Accordingly, the concerned respondent, especially the third respondent – the Treasury Officer, Kharagpur, Paschim Medinipur – is directed to pay interest at the rate of 8% p.a. on the delayed payment of arrear family pension in terms of the pension payment order from February 21, 1986 till the date of final payment, within six weeks from the date of communication of this order.

With the aforesaid direction, WPA No.7035 of 2023 stands disposed of. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]

