

Ct.
No.
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2023

W.P.A. 9248 of 2018
Madhumita Kar
-Versus-
The State of West Bengal & Ors.

Mr. Saktipada Jana ...For the Petitioner

Mr. Subrata Bhattacharjee ...For the State Respondents

The writ petitioner retired from service on superannuation as an Assistant Teacher of North Bengal Institute of Hearing Handicapped, District – Darjeeling on 31st December, 2015. After her retirement, the pension payment order was issued by the authority concerned on June 23, 2017. The petitioner received gratuity amount and pensionary benefits on October 13, 2017.

The petitioner's case is that though she retired from service on 31st December, 2016, she received the gratuity amount and the amount of pensionary benefits on October 13, 2017. Hence she seeks a direction upon the concerned authority to pay interest to her for the belated payment of gratuity and pensionary benefits.

The respondent Nos. 1, 2 and 3 by filing affidavit-in-opposition state that though the petitioner retired from service on 31st December, 2015, she instead of submitting application one year before her retirement, submitted her application on 22nd February, 2016. Because of belated submission of the application by the petitioner, there was delay in releasing the Pension Payment Order as well as disbursement of pensionary benefits. On such grounds the respondent Nos. 1, 2 and 3 submit that since the payment was made due to the laches on the part of the petitioner, the petitioner is not entitled to get any interest on belated payment of pensionary benefits.

Learned Counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and pensionary amount is her property. He further submits that as per the Nationalised Savings Scheme for senior citizens, any deposit is made by a senior citizen now carries interest at the rate of 8% p.a. He 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 for the petitioner prays for interest at the rate of 8% p.a.

Learned Counsel for the State respondents submits that documents annexed to the affidavit-in-opposition will demonstrate that there was no laches on the part of the State respondents towards issuing the Pension Payment Order and disbursement of the pensionary benefits in favour of the petitioner. On such score, learned Counsel submits the petitioner is not entitled to get any interest.

Admittedly, the petitioner retired from service as an Assistant Teacher of the aforesaid Institute on 31st December, 2015. It goes without saying that legal obligation was cast upon the School Authority as well as the State respondents to see whether the pension papers of the petitioner were prepared and submitted in time or not.

Accordingly, the defence of the State respondents that due to receipt of the pension papers at a belated stage, there was delay in issuance of Pension Payment Order and disbursement of the pensionary benefits is not expectable.

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 forth respondent – the Treasury Officer, Diamour Siliguri-II, District – Darjeeling – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and pensionary benefits from 1st January, 2016 till the date of final payment, within six weeks from the date of communication of this order.

With the aforesaid direction, WPA No. 9248 of 2018 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.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)