

Court No. 22
03.02.2023
(Item No. 31)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15645 of 2022

Shyamali Mukhopadhyay
VS
The State of West Bengal & Ors.

Ms. Sreyasree Choudhury
..... for the petitioner
Ms. Rupsha Chakraborty
..... for the State

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

The petitioner's husband namely, Bibhas Kumar Mukhopadhyay since deceased was an approved **Head Master** at **Borodangal Ramanath Institution (H.S.), District – Hooghly**. He had retired from her employment on **June 30, 2020 and** expired on **May 17, 2021**.

The pension payment order was issued by the concerned respondent on February 1, 2021. The petitioner had received pension and gratuity under the pension payment order on April 30, 2021. 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 July 01, 2020**.

Ms. Rupsha Chakraborty, learned advocate appears for the State.

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 Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the gratuity and arrear pension @ 8% per annum on and from July 1, 2020 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 Pension, Provident Fund and Group Insurance and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amounts 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 15645 of 2022** stands disposed of.

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

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

(Aniruddha Roy, J.)