

41 27.3.2023
Sc Ct. no.22

WPA 16287 OF 2022

Gurupada Mandal

Vs.

The State of West Bengal & Ors.

Mr. Banshi Badan Maity

....For Petitioner

Mr. Samsul Kabir Humayan Reza

....For the State

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

Mr. Samsul Kabir Humayan Reza, learned advocate appeared for the State.

The petitioner was an approved **Assistant Teacher** at **Masat Girls High School (H.S.), District – South 24 Parganas**. He had retired from his employment on **28.2.2009**.

The **Pension Payment Order** was issued by the concerned respondent on **23.2.2010**. The petitioner had received Pension Payment Order on **01.4.2010**. 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 **on and from 01.3.2009**.

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 entitled 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 @ 8% per annum on and from the date of retirement 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 amount 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 16287 of 2022*** stands disposed of, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)