

17.11.2023

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W.P.A. 16434 of 2023

Jyotish Chakraborty

Vs.

The State of West Bengal & ors.

Ms. Subhanwita Ghosh

... for the petitioner

Mr. Rezaul Hossain

... for the State

Ms. Tapati Samanta

Mr. Arindom Ghosh

.... for the respondent no.5

The petitioner in this writ petition has prayed for a direction upon the respondents for payment of interest for belated payment of his retiral dues.

The admitted facts of the case in nutshell are as follows:

The petitioner had joined as a Librarian at Naihati Rabindra Pathagar, 24-Parganas (North). In the year 1988 he acquired a degree in "Bachelor of Library and Information Sciences". The petitioner retired on April 30, 2013. Though the petitioner received his retiral dues on August 10, 2013, the benefit of higher scale of pay for acquiring the higher qualification was not accorded to him. After his retirement, the petitioner filed a series of litigations and on April 10, 2019 following an interim order passed on W.P. No.7507(W) of 2019, an arrear salary of Rs.6,64,152/- was credited to the petitioner's account. The arrear pensionary benefits, however, were given to the petitioner on June 20, 2022 after another round of litigation. The petitioner received arrear pension

of Rs.4,90,243/-. On account of revised gratuity and commuted value of pension he received Rs.5,07,282/- Additionally, on August 16, 2022 the petitioner received Rs.53,384/- as revised leave salary.

It appears that the respondent authorities while granting the arrear retiral benefits, deducted a sum of Rs.82,769/- as overdrawn amount.

By filing another writ petition being W.P.A.6616 of 2023, the petitioner claimed refund of the said alleged overdrawn amount. The petitioner also prayed for interest at the rate of 8% for the belated payment of his retiral dues. The said writ petition was disposed of by a coordinate Bench on March 28, 2023 directing the concerned respondent to consider the petitioner's prayer.

By the order impugned dated May 26, 2023 the Director of Pension, Provident Fund and Group Insurance refunded the overdrawn amount but the said authority declined to grant any interest for belated payment of pensionary benefit citing the absence of provisions in the Government orders.

In the present writ petition, the petitioner has challenged the said order dated May 26, 2023 and prayed for interest on belated payment of arrear salary and pensionary benefit.

I am not inclined to grant any interest on the arrear salary on the ground that though the petitioner acquired his higher qualification in the year 1988, he did not

approach this Court before his retirement on April 30, 2013.

It, however, appears that the petitioner approached this Court immediately after his retirement resulting in the eventual receipt of his arrear pensionary benefits on or about June 13, 2015.

It is a settled law that the pensionary benefits are property of an employee and the authorities are obliged to pay interest on account of belated payment of retiral dues, if such delay is not attributable to the employee.

Since it could not be demonstrated before this Court that before filing writ petition being W.P.A. 6616 of 2023 the petitioner has ever approached this Court seeking interest on his retiral dues, I am inclined to allow the writ petition by directing the respondent authorities to grant interest at the rate of 8% on the revised leave salary, revised gratuity and arrear pension from the date of filing W.P.A.6616 of 2023, i.e., 17th March, 2023, till date. Such payment shall be made within a period of one month from the date of communication of this order.

W.P.A. 16434 of 2023 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance with all requisite formalities.

(Kausik Chanda, J.)