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WPA 18499 of 2023

**Sampa Ganguli Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Souradeep Das
... For the petitioner.

Even in the second call, the State is not represented. No affidavit has been filed by the State in terms of the order dated September 04, 2023 disclosing the reason for delay in granting pension to the petitioner.

This Court has no other option but to accept the allegations made in the writ petition.

It appears that the petitioner retired from service as a Librarian on January 31, 2021 from Uttarpara Saraswat Sammelan Library.

Since the retiral dues of the petitioner were not released, he was compelled to file a writ petition before this Court, which was disposed of on January 13, 2022 with the following order: -

“Upon hearing learned counsel appearing for the parties, this Court is of the view that WPA 17914 of 2021 may be disposed of with a direction on the Director of Pension, Provident Fund and Group Insurance to process the pension papers of the petitioner pursuant to the letter dated 9th

December, 2020 and make an effort to complete the same within a period of six weeks from the date of communication of this order.

Needless to say, the disbursement of pension, according to rightful dues of the petitioner, shall be done soon thereafter without any further delay.”

It is the case of the petitioner that her retiral dues have been released only on June 02, 2022 following the aforesaid order.

In absence of any affidavit or representation from the State, it is to be presumed that the delay in releasing the pensionary benefit is attributable only to the State.

Accordingly, this writ petition is disposed of with a direction upon the respondents to grant interest at the rate of 8% per annum on Gratuity, Commuted value of pension and arrear pension from **June 02, 2022 to March 14, 2023** within a period of one month from the date of communication of this order.

Accordingly, **WPA 18499 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)