

Court No. 22
02.5.2023
(Item No. ML 15)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19091 of 2022

Kalyan Bhattacharya & Ors.
VS
The State of West Bengal & Ors.

Ms. Sudipa Biswas
..... for the petitioners

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

The petitioner No. 1 claimed to be the widower of one Srilekha Deb, since deceased who was employed as an **Assistant Teacher** at **Moupal Deshapran Vidyapith, District – Paschim Medinipur**. The deceased employee had died in harness on August 30, 2020 as would be evident from the relevant Death Certificate at page 12 to the writ petition. The petitioners claimed to be the claimant in respect of the retiral benefit of his deceased wife.

The pension payment order was issued by the concerned respondent on February 25, 2022. The petitioner had received pension and gratuity under the pension payment order on February 25, 2022. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid.

The petitioners now claim interest for the delayed payment of the said gratuity and arrear pension **on and from August 30, 2020**.

None appeared for the State respondents.

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 **the date of death of the wife of the petitioner No. 1 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 19091 of 2022 stands disposed of.

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

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

(Aniruddha Roy, J.)