

Court No. 22

27.3.2023

(Item No. 65)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 23170 of 2022

Kakali Sahu

VS

The State of West Bengal & Ors.

Mr. Rishiraj Ritambhar Mohanty

Ms. Komal Shaw

Ms. Sunita Shaw

..... for the petitioner

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

The petitioner's husband namely, Subhojit Sahu was an approved **Assistant Teacher** at **Safiabad Sital Prasad Vidya Mandir (H.S.), District – Purba Medinipur**. He died on 06.11.2020 and accordingly the petitioner being the wife is entitled to get pension for her husband.

The pension payment order was issued by the concerned respondent on July 12, 2021. The petitioner had received pension and death gratuity under the pension payment order on August 16, 2021.

The petitioner now claims interest for the delayed payment of the said death gratuity **on and from November 6, 2020 i.e. for 9 months 10 days**.

None appears for 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 death gratuity pension @ 8% per annum on and from November 6, 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 23170 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.)