

28 20.01.2023
Sc Ct. no.22

WPA 28213 OF 2022

Emajuddin Sheikh

Vs.

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

....For Petitioner

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

The petitioner was an approved **Head Master** at **Ideal High Madrasah, District – Malda**. He had retired from his employment on **May 31, 2020**.

The **Pension Payment Order** was issued by the concerned respondent on **November 27, 2020**. The petitioner had received Pension Payment Order on **December 4, 2020**. 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 and arrear pension **on and from May 31, 2020**.

None appears for the State.

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 ***delayed payment of gratuity*** and on ***arrear pension @ 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 28213 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.)