

22.09.2023
Item No. 10
Crt.No.22
b.r.

WPA 30008 of 2017

Gopal Chandra Ghosh
-vs-
The State of West Bengal & Ors.

Ms. Debasree Dhamali
Ms. Riya Ghosh
..... for the petitioner

Affidavit of service is already on record.

None appears for the State.

The petitioner was an approved **Assistant Teacher at Nayabasat Parbotimoyee Siksha Niketan, Paschim Medinipur**. He has retired from his employment on **30.06.2003**.

The **Pension Payment Order** was issued by the concerned respondent on **01.06.2003** which was subsequently corrected on **27.01.2017**. The petitioner had received pension and gratuity under the **Pension Payment Order on 30.04.2004, 17.05.2017 and 03.11.2017**. 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 **01.07.2003**.

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 @ 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 amounts and the entitlement of the petitioner shall carry an **additional interest of 2% per annum** till the date the petitioner actually receive 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 30008 of 2017** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)