

13.12.2023
SL No. 348
Court No. 13
Kaushik

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 27741 of 2023

Sarasi Maiti
Vs
The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreyasree Chowdhury.
... for the petitioner.
Mr. Debasish Chakraborty.
...for the State.

Leave is granted to the learned counsel for the petitioner to correct the cause title.

Affidavit of service filed in Court today be kept with the record.

The material facts of the case are supported by records and hence I have not called for affidavits.

The husband of the petitioner was an assistant teacher in a primary school. He died in harness on 07.10.1964 while he was in service. The pension payment order was issued on 12.10.2011. The petitioners approached the concerned authority for payment of interest on the delayed payment of arrear pension. Being unsuccessful, the petitioners have approached this Court. In this writ petition they pray for

interest on the delayed payment of arrear pensionary benefit.

It is now well settled that if there is a delay in releasing the pensionary benefits to a retired employee or to the legal heir of a deceased employee, some amount of interest should be paid to compensate for delay in releasing the benefits. The pensionary benefits are welfare measures meant to enable a retired employee or the dependants of a deceased employee to live a life of dignity. Hence, it is imperative and of utmost importance that such benefits are released to a retired employee or the legal heir of a deceased employee without any delay. If there is delay, interest at a reasonable rate is payable by way of compensation. This is not punitive but purely compensatory.

Learned counsel for the petitioners drew my attention to a Memorandum dated November 1, 2010 issued by the School Education Department, Budget Branch, Government of West Bengal. The said Memorandum pertains to pension/family pension in respect of the employees who retired or died-in-harness prior to April 1, 1981. Paragraph 4 of the said Memorandum provide inter alia, that the financial benefit may be given with effect from June 15, 1990 or from the date of application for pension/family pension whichever is later.

In the present case, the petitioner cannot state with any certainty the date of application for pension/family pension. Hence, in view of the aforesaid and also having regard to the decision of the Hon'ble Supreme Court in the case of D.D. Tewari (Dead) through legal representatives Vs. Uttar Haryana Bijli Vitran Nigam Limited & Ors., I direct the Treasury Officer, Contai to pay to the petitioners interest at the rate of 9% per annum on the amount released in favour of the petitioners by way of pensionary benefit on and from June 15, 1990 till the date of issuance of Pension Payment Order.

Such payment of interest is to be made within right weeks from the date of communication of the certified copy of this order to the concerned authorities.

With these observations, the instant writ petition is disposed of.

Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Rajasekhar Mantha, J.)

