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05.04.2023
SB
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 655 of 2023

Malina Ray
-versus-
The State of West Bengal & Ors.

Mr. Debjit Kundu
...For Petitioner

Mr. Subir Kumar Saha, Ld. A.G.P.
Mr. Pretom Das
... For the State

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

This writ petition claimed to be the widow
of one Prabir Kishor Ray since deceased who was
employed, as a Non Teaching Staff of Union
Academy Kalchini High School at District –
Alipurduar. The deceased employee expired on
24.02.2017 as would be evident from the relevant
Death Certificate at page 12 to the writ petition. The
widow claimed to be the sole claimant in respect of
the retiral benefit of her deceased husband.

The Pension Payment Order was issued by
the concerned respondent on 17.11.2017. The
petitioner had received pension and gratuity under
the **Pension Payment Order on 17.12.2017**. 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 24.02.2017**.

Mr. Subir Kumar Saha, learned A.G.P. appears 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 concerned employee 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 655 of 2023** 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.)