

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI**

**WPA 659 OF 2023**

16 05.4.2023  
Sc Ct. no.2

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Nazma Banu

Vs.

The State of West Bengal & Ors.

Mr. Debajit Kundu

....For Petitioner

Mr. Subir Kumar Saha

Ms. Bedashruti Bose.

....For the State

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

Mr. Subir Kumar Saha, learned Additional Government Pleader appeared for the State.

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

The petitioner claimed to be the widow of one Abu Taher Miah since deceased who was employed as an **Assistant Teacher at Saontalpur Mission High School, District – Alipurduar**. The deceased employee had retired on **31.01.2018** and expired on **28.04.2020** as would be evident from the relevant Death Certificate at page 12 of 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 **07.02.2020**. The petitioner had received pension and gratuity under the **Pension Payment Order** on **18.02.2020**. 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 **01.02.2018**.

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 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 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 659 of 2023** stands disposed of, without any order as to costs.

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

**(Aniruddha Roy, J.)**