

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

12 12.04.2023
Sc Ct. no.22

WPA 716 OF 2023

Anandi Rai

Vs.

The State of West Bengal & Ors.

Mr. Sudip Sarkar

....For Petitioner

Mr. Bikramaditya Ghosh

Mr. Pretom Das.

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....For the State

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

Mr. Bikramaditya Ghosh, learned counsel appeared for the State.

The husband of the petitioner was an approved **Assistant Teacher** at **Indira Ojha H. S., School, District – Darjeeling**. He had retired from **his** employment on **31.8.2021** and **died on 01.12.2021**.

The **Pension Payment Order** was issued by the concerned respondent on **12.9.2022**. The petitioner had received pension and gratuity under the **Pension Payment Order** on **01.01.2023**. 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 01.9.2021.**

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 of the deceased 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 716 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.)