

21
12.04.2023
SB
Ct. No. 2

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

W.P.A. 743 of 2023

Sukdew Chettri
-versus-
The State of West Bengal & Ors.

Mr. Krishnapada Santra
...For Petitioner

Mr. Bikramaditya Ghosh
Mr. Pretom Das
... For the State

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

The brother of the petitioner was an approved
Panchayet Sahayak of Lingseykha Gram
Panchayet, District – Kalimpong who died in
harness on 25.12.2018. The pension payment
order was issued on 13.12.2022 and the petitioner
received the gratuity on 23.02.2023.

The grievance of the petitioner is that interest
on the delayed payment of gratuity has not been
paid.

It is now settled law that the pension and
gratuity amount is to be released to the retired
employee immediately upon retirement and in case
of delay in releasing the pension and gratuity

amount, the retired employee is entitled to get interest.

Similar orders have already been passed by this Court, by which retired employees were granted interest for delayed payment of gratuity and arrear pension.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of attaining superannuation.

As such, in view of decision of Union of India Verses Tarsem Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasure Officer are directed to pay interest @ 8% per annum on the gratuity amount from the date of death of the concerned employee till the actual date of disbursement, after due verification whether any rival claim exists or not.

Such payment is to be made within three months from the date of communication of the

certified copy of this order to the concerned authorities.

Needless to mention that before any such disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant who has approached this Court.

With the aforesaid observation and directions, this writ petition being **WPA 743 of 2023** stands disposed of, without any order as to costs.

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

(ANIRUDDHA ROY, J.)