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12.04.2023
SB
Ct. No. 2

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

W.P.A. 747 of 2023

Kushal Rai
-versus-
The State of West Bengal & Ors.

Mr. Sudip Sarkar
...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.

The mother of the petitioner was an approved
Assistant Teacher at **Mechi Primary School,**
District – Darjeeling who died in harness on
31.10.2020

The ***Pension Payment Order*** was issued by
the concerned respondent on **18.01.2023**. The
petitioner had ***received Pension under the***
Pension Payment Order on 05.03.2023. The
petitioner was entitled to death gratuity from the
next date of death of the deceased employee, the
same was not paid.

The petitioner now claims interest for the
delayed payment of the said arrear family pension
on and from 01.11.2020.

Mr. Saha, learned A.G.P. appears for the State.

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 death of the deceased employee concerned till the date of*** actual payment being received by the petitioner in terms of the ***revised 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 747 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.)