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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. 755 of 2023

Sudan Sarkar
-versus-
The State of West Bengal & Ors.

Mr. Debjit Kundu
...For Petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose
... For the State

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

The wife of the petitioner was an approved
**Assistant Teacher at Paharpur Hakimpara B.F.
Primary School, District – Jalpaiguri.** She died
in harness on 27.12.2021.

The ***Pension Payment Order*** was issued by
the concerned respondent on 11.01.2023. The
petitioner had ***received Pension and gratuity
under the Pension Payment Order on
20.01.2023.*** 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 28.12.2021.***

Mr. Hirak Barman, learned advocate 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** and **arrear pension @ 8% per annum** on and from **the date of dath of the wife of the petitioner 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 755 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.)