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11.04.2023
SB
Ct. No. 2

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

W.P.A. 764 of 2023

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

Mr. Debjit Kundu
...For Petitioners

Mr. Subir Kumar Saha, Ld. A.G.P.
Ms. Bedashruti Bose
... For the State

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

The petitioner no. 1 claimed to be widow of one
Bimal Kumar Rai, since deceased who was
employed as an **Assistant Teacher** at **Maybong
High School, District – Darjeeling**. The deceased
employee had died in harness on 18.8.2021 as
would be evident from the relevant Death
Certificate at page 12 to the writ petition. The
petitioners claimed to be the claimant in respect of
the retiral benefit of her deceased husband.

The **Pension Payment Order** was issued by
the concerned respondent on 09.06.2022. The
petitioner had *received Pension and gratuity*
under the Pension Payment Order on
21.10.2022. 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 18.8.2021.**

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** and **arrear pension @ 8% per annum** on and from **the date of death of the husband of the petitioner no.1 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 764 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.)