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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. 766 of 2023

Dil Kumari Bhujel (Rai)
-versus-
The State of West Bengal & Ors.

Mr. Debjit Kundu
...For Petitioner

Mr. Hirak Barman
Mr. Momenur Rahman
... For the State

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

The petitioner claimed to be widow of one Shiva Kumar Rai, since deceased who was employed as a **Head Teacher** at **Paharpur Hakimpara Primary School, District – Jalpaiguri**. The deceased employee had died in harness on 09.02.2009 as would be evident from the relevant Death Certificate at page 12 of the writ petition. The widow claimed to be the sole claimant in respect of the retiral benefit of her deceased husband.

The ***Pension Payment Order*** was issued by the concerned respondent on 07.02.2011. The petitioner had *received* ***Pension and gratuity under the Pension Payment Order*** *on*

19.3.2011. 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 09.02.2009.***

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 death of the husband 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 766 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**.)