

04.10.2023
Court No.1
Item No.41
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2366 of 2023

**Samiran Thapa and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Anirban Chakraborty
... For the Petitioners.

Mr. Subir Kumar Saha
Mr. Momenur Rahman
... For the State.

The affidavit of service filed by the learned Advocate for the petitioners in Court today be kept on record.

The learned Advocate for the petitioners submits that the petitioners' father was an Assistant Teacher of a primary school and he died-in-harness on 14.12.2005. Pension Payment Order was issued in favour of the petitioners on 16.04.2010 and the gratuity and arrear pension amount of the petitioners was released on 17.05.2010.

Although the petitioners was entitled to payment of pensionary benefit, the same was not paid. By representing this writ petition, the petitioners prays for an order on the respondents to award interest on delayed payment of gratuity and arrear pension amount.

I have heard the learned Advocate for the petitioners and have also considered the orders passed by different Hon'ble Judges on the writ petitions involving similar issues.

In view thereof, the writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay the petitioners interest on gratuity and arrear pension amount @ 9% per annum from the next date of death till the date of actual payment within 16 weeks from the date of service of an authenticated copy of this order failing which, additional interest @ 2% per annum shall be payable to the petitioners.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)