

06.05.2024
Item No.107
Ct. No. 13
CHC

W.P.A. 5245 of 2024

Banamali Sain
-Vs-
The State of West Bengal & Ors.

Mrs. Arpita Saha
... for the petitioner

Mr. Sudip Kumar Maiti
... for the State

The affidavit-of-service filed by the learned Advocate for the petitioner in Court today be kept with the record.

The learned Advocate for the petitioner submits that the petitioner was an Assistant Teacher of a School and retired from service on 30.04.2021. Pension payment order was issued in favour of the petitioner on 16.12.2021 and the gratuity and arrear pension of the petitioner was released on 03.01.2022.

Although the petitioner was entitled to payment of pensionary benefit from the date of his retirement, the same was not paid. By presenting this writ petition, the petitioner prays for an order on the respondents to award interest on delayed payment of arrear pension & gratuity.

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

In view thereof, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay interest to the petitioner on gratuity and arrear pension @ 9% per annum from the date of retirement of the petitioner 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 petitioner.

The concerned Treasury Officer shall verify as to whether the petitioner is present in person along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioner is not present, the matter shall be reported to the Registrar General of this Court for appropriate action.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajasekhar Mantha, J.)