06.08.2024
Ct. No. 14
Sl. No.M/L-180
KB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6021 of 2024

Arati Mandi (Saren)
-versus-
The State of West Bengal & Ors.

Mr. Bansi Badan Maity
... For the petitioner.

Ms. Mohuya Dutta Biswas
... For the State.

Affidavit of Service filed in Court today be retained with the record.

The petitioner was an assistant Teacher who retired from service on 31.01.2018. The grievance of the petitioner is that the Pension Payment Order was issued on 26.07.2019 and the gratuity and arrear pension amount was disbursed to her only 01.02.2020. The petitioner claims interest on delayed payment of the gratuity and arrear pension amount.

I have heard learned counsel for the petitioner and considered the orders passed by this Court in similar facts.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in her favour on the date of attaining superannuation. Further, gratuity and pension are not more considered to be a bounty to be handed out by the State at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the gratuity and pension amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and her dependants. This is compensatory in nature.

In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 7% per annum on the gratuity and arrear pension calculated on and from the due date till the date of actual payment, **provided the delay caused was not attributable to the petitioner.**

The Treasury Officer shall not be obliged to pay interest if the delay was caused on account of any lapse on the part of the teacher.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

The concerned respondent authority is directed to take appropriate steps in accordance with law against the erring officer (s) for whose fault there has been delay in releasing the retirement benefit to the petitioner.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)