

06.08.2024.
PB
Sl. No.197 ml.
Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 8076 of 2024

Makhoni Marandi
Vs
The State of West Bengal & Ors.

Mr. Chandan Dutta.
.....for the petitioner.

The husband of the petitioner was a primary school assistant teacher. He died-in-harness on 21.01.2019. Pension Payment Order was issued on 25.07.2022. The grievance of the petitioner is that the gratuity and pension amount was disbursed to her only on 10.08.2022. The petitioner claims interest on delayed payment of gratuity and arrear pension.

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 as and when the same becomes due and payable. If payment of the retiral dues 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 pension and gratuity 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 wife of the deceased employee.

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.

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

The writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)