22.04.2024
Court No.13
Item No. 177
ap

WPA 9824 of 2024

Subala Ray
Vs.
The State of West Bengal and Ors.

Ms. Sreyasree Choudhury.
... For the Petitioner.

Ms. Smita Das De.
...For the State.

Affidavit of service filed in court today be kept with the record.

The material facts of the case are supported by records and hence I have not called for affidavits.

The husband of the petitioner was an assistant teacher in a primary school. He died on 14.08.1972. The pension payment order was issued on 09.12.2021. The petitioner approached the concerned authority for payment of interest on the delayed payment of arrear pension. Being unsuccessful, the petitioner has approached this Court. In this writ petition they pray for interest on the delayed payment of arrear pensionary benefit.

It is now well settled that if there is a delay in releasing the pensionary benefits to a retired employee or to the legal heir of a deceased employee, some amount of interest should be paid to compensate for delay in releasing the benefits. The pensionary benefits are welfare measures meant to enable a retired employee or the dependants of a deceased employee to live a life of dignity. Hence, it is imperative and of utmost importance that such benefits are released to a retired employee or the legal heir of a deceased employee without any delay. If there is delay, interest at a reasonable rate is payable by way of compensation. This is not punitive but purely compensatory.

Learned counsel for the petitioner drew my attention to a Memorandum dated November 1, 2010 issued by the School Education Department, Budget Branch, Government of West Bengal. The said Memorandum pertains to pension/family pension in respect of the employees who retired or died-in-harness prior to April 1, 1981. Paragraph 4 of the said Memorandum provides inter alia, that the financial benefit may be given with effect from April 1, 1981 or from the date of application for pension/ family pension whichever is later.

In the present case, the petitioner cannot state with any certainty the date of application for pension/family pension. Hence, in view of the aforesaid and also having regard to the decision of the Hon'ble Supreme Court in the case of D.D. Tewari (Dead) through legal representatives Vs. Uttar Haryana Bijli Vitran Nigam Limited & Ors., I direct the Treasury Officer, Diamond Harbour to pay to the petitioner interest at the rate of 9% per annum on the amount released in favour of the petitioner by way of pensionary benefit on and from April 1, 1981 till the date of issuance of Pension Payment Order.

Such payment of interest 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 to be admitted.

The writ petition is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Rajasekhar Mantha, J.)