

29.04.2024
Sl. No.135
ap

W.P.A. 11589 of 2024

Atasi Bhattacharya & Anr.
-Vs-
The State of West Bengal & Ors.

Ms. Sudipta Maiti.
... .. for the petitioners

Despite service of notice, the respondents are not represented. Affidavit-of-service filed by the learned Advocate for the petitioners in Court today be kept with the record.

The learned Advocate for the petitioners submits that the husband of the petitioner no.1 was a Teacher of a Primary School, who died-in-harness on 20.09.2021. Pension Payment Order was issued in favour of the petitioner on 30.11.2022 and the gratuity of the petitioners was released on 31.12.2022.

Although the petitioners were entitled to payment of pensionary benefit from the date of death of her husband of the petitioner no.1, the same was not paid. By presenting this writ petition, the petitioners pray for an order on the respondents to award interest on delayed payment of gratuity 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, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay interest to the petitioners on gratuity @ 9% per annum from the date of death of the husband of the petitioner no.1 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.

The concerned Treasury Officer shall verify as to whether the petitioners are present in person along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioners are 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.)