

13.05.2024
ct. no. 13
Sl. No.176
sp

W.P.A. 11712 of 2024

Bhagyalakshmi Sarkar & Anr.
-Vs-
The State of West Bengal & Ors.

Ms. Dipa Bhattacharya
... for the petitioner

Mr. Supriya Majumder
...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 deceased employee was a head teacher of a school he died-in-harness on 07.02.2021. Pension Payment Order was issued in favour of the petitioner on 04.08.2023 and the gratuity and arrear pension of the petitioners was released on 02.09.2023.

Although the petitioners were entitled to payment of pensionary benefit from the date of retirement of the employee, 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 and 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 petitioners on gratuity and arrear pension amount @ 9% per annum from the next date of death of the employee 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.)