20-08-2024
Item No.64
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

WPA No.20306 of 2024

Ajit Kumar Pain

-vs-

The State of West Bengal & Ors.

Mr. Manaranjan Sahu ...for the petitioner

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the State respondents in spite of service.

The petitioner was a primary school teacher who retired from service on August 31, 2020. The grievance of the petitioner is that the gratuity amount was disbursed to the petitioner only on March 3, 2022. The petitioner claims interest on delayed payment of the gratuity 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 retirement dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Further, gratuity and pension are no 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 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 his/her dependents. 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.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]