

20.08.2024.
PB
Sl. No.122.
Ct. No.14.

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

WPA 20668 of 2024

Dilip Kumar Das
Vs
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the petitioner.

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

The petitioner was an Assistant Teacher of a
Primary School who retired from service on
31.12.2020. The grievance of the petitioner is that the
Pension Payment Order was issued on 17.09.2021 and
the gratuity and arrear pension amount was disbursed
to him only on 04.01.2022. The petitioner claims
interest on delayed payment of the gratuity and arrear
pension 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 retiral 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 and pension 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.

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

(Amrita Sinha, J.)