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03.09.2024
d.p.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 21013 of 2024

Saraswati Ruidas
-versus
The State of West Bengal & Ors.

Mr. Krishna Pada Santra.
...For the Petitioner.

Ms. Paromita Malakar (Dutta).
...For the State.

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

The husband of the petitioner was an Assistant School teacher who retired from service on 30.04.2016. The husband of the petitioner died on 10.02.2020. The first pension payment order was issued on 17.03.2016 and the arrear pension was disbursed on 04.07.2016. Under the ROPA Rules, 2019 there was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 20.09.2021 and the arrear revised pension was disbursed on 20.09.2021 in terms of ROPA 2019. The petitioner claims interest on delayed payment of revised gratuity as also revised arrear.

I have heard learned counsel for the parties 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 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 heir(s) of the deceased teacher at the rate of 7% per annum on the revised gratuity and revised 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.)