

September 27, 2024
AD 14
Ct. 17
SG

WPA 21541 of 2024

Kalpana Patra
vs.
The State of West Bengal and others

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

Ms. Ghazala Firdaus
... for the State.

Affidavit of service filed in Court is also taken on record.

Report filed by the State is also taken on record. Copy of the same is handed over to learned counsel for the petitioner.

The petitioner claims to be the unmarried daughter of a deceased primary school teacher. She seeks family pension. The mother of the petitioner died on 12.03.2015.

The benefit of family pension was allowed by the State Government by a Government circular dated 13.04.2010. The Pension Payment Order was issued in favour of the petitioner on 08.04.2024. The petitioner seeks interest on account of the delayed payment of the arrear family pension. Reliance is placed on an order passed by a Coordinate Bench of this Court on 07.08.2024 in WPA 16645 of 2024.

Learned counsel for the State relies on the instructions and submits as follows. The matter has been forwarded for seeking necessary instruction regarding policy matters. However, the Department has preferred a Special Leave Petition in similar matter. Proper steps would be taken for sanctioning this type of family pension after receiving instruction from the concerned Department.

It is possibly not clear to the State that in the instant case family pension has already been granted. Even arrears of family pension were granted. It is only the interest on payment that is being claimed by the petitioner.

It also does not appear that there is a stay on granting such benefit by the Coordinate Bench.

It is settled law that the terminal benefit is not a bounty and valuable right in the hand of the employee or on his death in the hand of the heirs of the deceased employee.

In the present case, family pension was disbursed long after the date of death of the mother of the petitioner. The respondent authorities ought to pay interest on such delayed payment.

In view of the above, the District Inspector of Schools (P.E.), Purba Medinipur and the Treasury Officer, Kharagpur are directed to take steps for paying simple interest to the heirs of the deceased teacher @ 7% per

annum to be calculated on and from 13.03.2015 till the date of actual payment of the arrear pension.

The payment shall be made at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of requisite formalities.

[Jay Sengupta, J.]