

September 27, 2024
AD 13
Ct. 17
SG

WPA 21538 of 2024

Dipti Bera
vs.
The State of West Bengal and others

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

Ms. Sanjukta Samanta
... for the State.

Affidavit of service filed in Court is taken on record.

The petitioner claims to be the widow daughter of a deceased primary school teacher. The mother of the petitioner died on 10.08.2017. The husband of the petitioner thereafter died on 17.01.2021. Soon thereafter the petitioner prayed for granting of family pension.

The benefit of family pension was allowed by the State Government by a Government circular dated 10.01.2008. The Pension Payment Order was issued in favour of the petitioner on 14.06.2024. Although the family pension is being paid and arrear family pension was also paid, the interest on the delayed payment of arrear pension has not been granted. The petitioner is entitled to the same. Reliance is placed on an order passed by a Coordinate Bench of this Court on 07.08.2024 in WPA 16645 of 2024.

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 petitioner became entitled to such family pension. The respondent authorities thereafter 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, Haldia 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 18.01.2021 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.]