

September 27, 2024
AD 16
Ct. 17
SG

WPA 22398 of 2024

Banani Ghosh
vs.
The State of West Bengal and others

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

Mr. Somenath Ghosh
... for the State.

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

The petitioner claims to be the unmarried daughter of a deceased primary school teacher. She seeks family pension. Her father had died in harness on 30.08.1980. The mother of the petitioner died on 21.02.2011.

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 pensioner on 03.07.2024. The petitioner seeks interest on account of the delayed payment of the arrear family pension.

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 teacher. The respondent authorities ought to pay interest on such delayed payment.

In view of the above, the District Inspector of Schools (P.E.), Paschim 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 21.02.2011 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.]