

08.01.2024
Sl. No. 24
Suman
Ct.No.238.

WPA 25978 of 2023

Anima Kayal
Vs.
The State of West Bengal and Ors.

Mr. Pankaj Halder
Mr. N. Bera
..for the petitioner

Mr. Somraj Dhar
..for the State

This writ petition seeks payment of interest for the alleged delayed payment of salary and pension to the petitioner.

The petitioner submits that her husband was appointed as an Assistant Teacher at Calcutta Blind School under the Mass Education Extension and Library Services Department, Government of West Bengal with effect from November 19, 1987. His service was approved in compliance with an order passed by a learned Single Judge of this Court in WP 1199 (W) of 1997. An appeal was preferred by the State against the order of the learned Single Judge and the said appeal was dismissed for default on June 6, 2018. Thereafter, a sum of Rs.73,48,861/- was paid to the husband of the

petitioner as arrear salary on December 10, 2019. Unfortunately, the husband of the petitioner died on December 12, 2019. After his death, the terminal benefits including the pension were given to the petitioner on January 25, 2022, though the Pension Payment Order was issued on November 30, 2021.

The State by filing an affidavit admits the delay in releasing the terminal benefits in favour of the petitioner.

The relevant part of the State affidavit is quoted below:-

“That further, a list of dates has been prepared by the respondent no.3 from the period from 12.12.2019, when the husband of the petitioner died and the PPO no. 15010920210008 issued by the DPPG on 30.11.2021, from which it appears that the delay has been caused due to Covid 19 as well as to meet up the queries of DPPG regarding rectification of some documents. Copy of the said list of dates explaining the sanction of arrear salary as well as retiral benefits is enclosed here with and marked with the letter P-3.”

I am satisfied that there was a sufficient reason for the delay in releasing the terminal benefits in favour of the petitioner.

However, having regard to the facts of the case, I direct the respondents to grant 8% interest per annum on the gratuity amount for the period November 30, 2021, till the date of actual payment.

I am not inclined to entertain the prayer for interest on the arrear salary of the husband of the petitioner simply on the ground that the petitioner failed

to demonstrate that when the service of the petitioner was directed to be approved by the learned Single Judge in WP 1199 (W) of 1997, there was any direction for payment of interest on the arrear salary. By way of this writ petition the wife cannot claim for interest on arrear salary.

Accordingly, WPA 25978 of 2023 is disposed of.

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

(Kausik Chanda, J.)