

20.06.2024
Court No.13
Item No.39
pk

WPA 30568 of 2017

Ishan Chandra Kumar
Vs.
The State of West Bengal and others

Mr. Saibal Kumar Acharya,
Mr. Sukhendu Bikash Mukherjee
... for the petitioner

Mr. Pinaki Bhattacharyya
... for the respondent nos. 1 to 4.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mandal
... for the DPSC, Purulia.

1. Since after filing of the writ petition, terminal benefits payable to the writ petitioner have been released in toto in the year 2018. All arrears from 01.05.2010 have been released to him. What remains for consideration of this Court is the interest on delayed payment of terminal benefits. There is a one year delay that can be attributed to the petitioner i.e. from 04.08.2016(date of acquittal in criminal proceeding) till 23rd May, 2017(date of application for pension). This Court is inclined to round off the same to one year.

2. It is clear from the records that although the writ petitioner superannuated from service on 30.04.2010, provisional pension was started only in the year 2014 when the first writ petition being WPA 10756 of 2014 was filed by the writ petitioner. Provisional pension was released pursuant to the orders passed by a co-ordinate bench of this Court on

26.06.2014. The petitioner was entitled to provisional pension immediately after the date of his retirement. Since the respondents have no reason for delayed payment of provisional pension by four years, there is a presumption of undue hardship of the petitioner to such four years.

3. It is now well settled that delayed payment of terminal benefits automatically attracts interest.

4. In those circumstances, the writ petitioner shall be entitled to interest for the period from 1st May, 2014 till January, 2018 minus a period of 12 months at the rate of 7 per cent per annum on the total quantum of arrears of pension, gratuity, leave encashment(if applicable) and any quantum of P.F.

5. Let such interest be paid within one month from the date of receipt of a copy of this order along with a copy of the writ petition. In default the rate of interest shall stand increased to 9 per cent.

6. The writ petition is disposed of.

7. Instructions of the D.I. of Schools, Primary Education, Purulia is kept with the record.

8. There will be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)