

09.01.2024
Item No.118
gd/ssd

WPA 59 of 2024
SANJOY KUMAR MOHANTA & ANR.
VS
STATE OF WEST BENGAL & ORS.

Mr. Sanjay Mazoomdara
... for the petitioner

Mr. Subir Kumar Saha
... for the State

Affidavit of service filed in court today is taken on record.

The mother of the petitioners has died in harness on 17.09.2017.

The Pension Payment Order was issued on 05.10.2018.

In terms of the Pension Payment Order the gratuity and pension was disbursed in favour of the petitioner on 23.11.2018.

The petitioners claim interest for delayed payment of gratuity and interest.

Learned Advocate appearing for the petitioners placed reliance upon an order dated 04.07.2022 passed in WPA 1014 of 2022 wherein this Court directed the respondent authorities to pay interest to the petitioner at the rate of 9% per annum on the gratuity and arrear pension calculated on and from the date following the

date of retirement of the petitioners till the date of actual payment.

The said decision is squarely complied with to the facts of this case.

Accordingly, WPA 59 of 2024 is disposed of by directing the Director of Pension, Provident Fund and Group Insurance being the respondent no. 2 and the Treasury Officer, Tufanganj, District Cooch Behar being the respondent no. 4 to pay interest to the petitioner at the rate of 9% per annum from the date following the date of death till the date of actual payment. Such payment in terms of this order shall be made within a period of 16 weeks from the date of receipt of a server copy of this order.

Failing which an additional interest of 2 per cent per annum shall be payable to the petitioner.

Since no affidavit-in-opposition has been called for, the allegations contained in the writ petition shall be deemed to have been admitted by the respondents.

There shall, however, be no order as to costs.

(HIRANMAY BHATTACHARYYA, J.)