

09.01.2024
Item No.126
gd/ssd

WPA 71 of 2024
MADAN KUMAR GURUNG
VS
STATE OF WEST BENGAL & ORS.

Mr. Sanjay Mazoomdara
... for the petitioner

Mr. Subir Kumar Saha,
Mr. Nabankur Paul
... for the State

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

The petitioner who was an Assistant Teacher retired from service on 31.08.2021.

The Pension Payment Order was issued on 07.12.2023.

In terms of the Pension Payment Order the gratuity and pension was disbursed in favour of the petitioner on 15.12.2023.

The petitioner claims interest for delayed payment of gratuity and interest.

Learned Advocate appearing for the petitioner 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 petitioner till the date of actual payment.

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

Accordingly, WPA 71 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, Darjeeling being the respondent no.3 to pay interest to the petitioner at the rate of 9% per annum from the date following the date of retirement 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.)