

19.02.2024
BD/Ct. 02
sl no. 74

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

W.P.A. 261 of 2024

Shefali Das

-vs-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty

....for the petitioner.

Mr. Hirak Barman

Mr. Anirban Banerjee

....for the State.

Affidavit of service filed in Court today is
kept with the record.

Petitioner is the widow of the deceased teacher who died in harness on 23rd November, 2006. After death of the husband of the petitioner first pension payment order was issued on 30th April, 2008 and as per first pension payment order disbursement of terminal benefits including gratuity were made in favour of the petitioner. Subsequently, due to revision of pay as per ROPA 2009 revised pension payment order was issued on 4th July, 2011. Petitioner claims interest on revised gratuity as per revised pension payment order.

State respondents are represented by
learned advocates.

With regard to delay made by the petitioner in approaching this Court reliance is placed on the judgment of the Apex Court reported in **(2008) 8 SCC 648 (Union of India – vs- Tarsem Singh)**. It is also taken note of that there is no accrual of third party interest in the present case therefore in the event this writ petition is allowed interest of third party will not be affected.

Accordingly, the Director of Pension, Provident Fund and Group Insurance, West Bengal, and the concerned Treasury Officer is directed to pay interest @ 8% p.a. on revised gratuity as per revised pension payment order from 19th May, 2009 till the date of actual disbursement of revised gratuity amount in favour of the petitioner, within a period of eight weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)