

14.06.2024
SL. No.59
srm

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. No. 1186 of 2024

**Basanti Roy
Versus
The State of West Bengal & Ors.**

Mr. Subhajyoti Das

...for the Petitioner.

Mr. Momenur Rahman,
Mr. Kumar Shantanu

...for the State-respondents.

Affidavit of service is taken on record.

The husband of the petitioner was an approved Assistant Teacher of a High School, District-Alipurduar, who died on 12.09.2002 while he was in service. The pension Payment Order was issued on 16.01.2004 and the petitioner received the gratuity and arrear pension on 23.06.2004.

The grievance of the petitioner is that interest on the delayed payment of gratuity and arrear pension has not been paid.

It is now settled law that pension and gratuity amount is to be released to the retired employee immediately upon retirement and in case of delay in releasing the pension and gratuity amount, the retired employee is entitled to get interest.

Similar orders have already been passed by this Court, by which families of employees, who died-in-

harness, were granted interest for delayed payment of gratuity and arrear pension.

It is settled law that the family of an employee has the right to receive the death benefits urgently. It is a valuable right and non-payment would attract interest.

As such, in view of decision of Union of India Versus Tarsem Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasury Officer are directed to pay interest @ 8% per annum on the gratuity and arrear family pension amount from the date of entitlement till the actual date of disbursement.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

Needless to mention, before any such disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant who has approached this court.

With the aforesaid observation and directions, this writ application stands disposed of.

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

Urgent Photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(Shampa Sarkar, J.)