

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 1011 OF 2024

Kamal Kumar Bhaumik
Vs.
The State of West Bengal & Others

Mr. Asok Kumar Ganguly, Adv.

...for the Petitioner

Mr. Bhakti Prasad Das, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner retired on superannuation on 31st May, 2013 from the post of Assistant Teacher and pension payment order was issued on 27th June, 2014 thereby releasing retiral dues including pension. Petitioner claims interest on gratuity and arrear pension due to delayed payment.
3. On perusal of the record, it appears that petitioner though retired on superannuation on 31st May, 2013 and after issuance of pension payment order dated 27th June, 2014 present writ petition was filed on 15th January, 2024, which is precisely after a period of ten years.
4. In order to clarify delay, order passed by the Hon'ble Division Bench dated 8th August, 2023 has been relied upon which was passed on two *intra-court* appeals, one being MAT 147 of 2019 and another

being MAT 148 of 2019. It is submitted on behalf of the petitioner that due to pendency of the appeals before the Hon'ble Division Bench, steps were not taken to lay claim for grant of interest on retiral dues and gratuity.

5. However, on perusal of the order dated 8th August, 2023 passed by the Hon'ble Division Bench it appears that while disposing of the aforesaid two appeals direction was given upon the respondent authorities to release arrear dues along with interest at the rate of seven per cent *per annum* from September, 2014 to 31st July, 2023.
6. Though prayer of the petitioner to grant interest on retiral dues has been opposed by the learned advocate representing the State respondents but it transpires that the petitioner was deprived of his legitimate claim for a considerable period of time and the grievance of the petitioner was redressed *vide* order dated 8th August, 2023 passed by the Hon'ble Division Bench while disposing of aforesaid two appeals.
7. Therefore, this Court finds it is a fit case where interest should be granted to the petitioner on delayed payment of gratuity.
8. Accordingly, the concerned State respondents as well as Treasury Officer being respondent no.5 are

directed to pay interest at the rate of eight (8) per cent *per annum* to the petitioner on gratuity from the date following the date of superannuation of the petitioner till the date of release of gratuity within a period of eight (8) weeks from the date of communication of this order.

9. With the above directions, writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)