(2020) 02 CAL CK 0033

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 1829 Of 2020

Md. Ishaque APPELLANT

Vs

State Of West Bengal & Ors RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Citation : (2020) 02 CAL CK 0033

Hon'ble Judges : Rajasekhar Mantha, J

Bench : Single Bench

Advocate : Anirban Sarkar, Susmita Biswas Chowdhury

Final Decision : Disposed Of

Judgement

Rajasekhar Mantha, J

Let affidavit-of-service filed in Court today be kept with the records.

The petitioner, who was a Head Teacher of a High Madrasah, retired from service on 31.12.1998.

The Pension Payment Order was issued by the concerned respondent authority on 28.02.2005 and the petitioner received the Gratuity and the arrear

family pension on 02.04.2005.

The petitioner prays for interest on account of delayed payment of Gratuity and the arrear pension.

It is now well settled law that the pension and gratuity were to be released to the retired employee immediately upon retirement and in case of delay in

releasing the pension and gratuity the retired employee was entitled to get interest.

Similar orders have already been passed by this Court by which retired employees were granted interest for delayed payment of gratuity.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation was a valuable right which accrued in

his favour on the date of attaining superannuation.

Gratuity and pension were no longer to be a bounty to be handed out by the State at its whim. An employee had a right to receive gratuity and pension

as also interest on delayed payment upon retirement.

As such, in view of the decision of Union of India Vs. Tarmen 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 should not take away the claim of the petitioner in getting interest on delayed payment.

The Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to

the petitioner @ 9% per annum on the Gratuity amount as also on the arrear pension from the next date of retirement of the petitioner till the actual

date of disbursement.

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

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

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis.