
(2020) 02 CAL CK 0034

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 1830 Of 2020

Rasida Begam

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Citation : (2020) 02 CAL CK 0034

Hon'ble Judges : Rajasekhar Mantha, J

Bench : Single Bench

Advocate : Anirban Sarkar

Final Decision : Disposed Of

Judgement

Rajasekhar Mantha, J

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

The husband of the petitioner was an Assistant Teacher in High Madrasah, who retired on 01.07.2007.

The Pension Payment Order was issued on 07.04.2008 and the petitioner received the Gratuity and the arrear family pension on 02.02.2009.

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

It is now well settled law that the family pension and the death gratuity were to be released to the family of the employee immediately upon retirement

and in case of delay in releasing the pension and gratuity amount the family of the 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 an employee to get his retiral dues on the date

of attaining superannuation was a valuable right which accrues 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 shall 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 Death Gratuity amount as also on the arrear family pension from the next date of death of her husband till the

date of 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.