(2021) 12 CAL CK 0045

In the Calcutta High Court

Case No : Writ Petition No. 18163 Of 2021

Saktipada Paul APPELLANT

Vs

State Of West Bengal & Ors. RESPONDENT

Date of Decision : 10-12-2021

Acts Referred:

Citation : (2021) 12 CAL CK 0045

Hon'ble Judges : Amrita Sinha, J

Bench : Single Bench

Advocate : Sabita Khutia, Ranjan Banerjee

Final Decision : Disposed Of

Judgement

Affidavit-of-service filed in Court today is taken on record.

The petitioner was a Primary School Assistant Teacher and retired from service on 30.09.2014. The grievance of the petitioner is that the gratuity and arrear pension amount was disbursed to him only on 10.03.2015. The petitioner claims interest on delayed payment of the gratuity and arrear pension amount.

I have heard learned counsel for the petitioner/parties and considered the orders passed by this court in similar facts.

It is settled law that the right of a retired employee to get his/her retiral dues on the date of attaining superannuation is a valuable right which accrues in his/her favour on the date of his/her attaining superannuation. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 7% per annum on the gratuity and arrear pension calculated on and from the due date till the date of actual payment.

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

The concerned respondent authority is directed to take appropriate steps in accordance with law against the erring officer(s) for whose fault there has been delay in releasing the retirement benefit to the petitioner.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.