

17.02.2014.
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W. P. 4049 (W) of 2014

Sephali Dutta
Vs.
The State of West Bengal & Ors.

Ms. Arpita Saha
... For the petitioner.

Mr. Bikash Goswami
... For the State.

Affidavit of service filed in Court today be taken on record.

After considering the submissions made by the learned advocates for the parties and upon perusing the instant writ petition, it appears that the principal grievance of the writ petitioner is delayed payment of gratuity by the State, upon her superannuation from service on 30th June, 2012.

It appears that this matter is squarely covered by a decision of this Court rendered in the case of Mohan Ch. Halder & Ors. vs. State of West Bengal & Ors. in W.P. 30264 (W) of 2008 along with several other writ petitions on 14th May, 2009.

I am of the view that similar directions can be given in the instant writ petition, as directed by this Court in Mohan Ch. Halder's case. I, therefore, dispose of the instant writ petition by directing the Director of Pension and Provident Fund and Group Insurance to pay interest at the rate of 10% on the gratuity amount to be computed from the date of retirement of the petitioner upto the date on which the gratuity amount is disbursed. However, in the event there is any material before the said authority that because of any wilful laches on the part of the concerned employee in receiving the gratuity amount or the disbursement of gratuity was held up for some specific negligent acts on the part of the claimant and the said sum could not be paid on the date of superannuation or at any later date, then it would be permissible for the said authority to decline payment of interest. But before finally deciding this issue, an opportunity of hearing shall be given to the writ petitioner and the reason shall be disclosed as to why the interest on gratuity is not being paid in her case. In the event there is any disciplinary proceeding pending against the petitioner, then also the authorities would be entitled to withhold the payment of gratuity.

The respondent authorities are accordingly directed to release interest on delayed payment of gratuity to the petitioner to be computed from the date of superannuation of the concerned employee upto the date of disbursement of gratuity.

Such payment shall be made within ninety days from the date of communication of this order. In the event the authorities, for reasons indicated

above, decide not to pay the interest to the writ petitioner, she shall be informed in writing, within thirty days from the date of communication of this order, the reason as to why such interest would not be paid and thereafter the procedure directed above shall be followed.

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

(Biswanath Somadder, J.)