

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das

Case No – **OA 1124 OF 2014**

Madan Ghosh Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
07 21.01.2019	<p>For the Applicant : Mr. G.P. Banerjee, Learned Advocate</p> <p>For the Respondent : None.</p> <p>The applicant has prayed for direction upon the respondents for disbursement of retiring gratuity and commuted value of pension of the applicant and for interest @ 8% per annum on the amount of retiring gratuity and commuted value of pension during the period from the date of superannuation of the applicant till the date of actual payment of the said amount.</p> <p>Mr. G.P. Banerjee, Learned Counsel for the applicant, has not pressed for disbursement of the amount of retiring gratuity and commuted value of pension of the applicant on the ground that the applicant has already received the amount of retiring gratuity and commuted value of pension during pendency of the present application on September 12, 2014. The applicant is now claiming only for interest for delayed payment of retiring gratuity and commuted value of pension.</p> <p>None appears on behalf of the state respondents, though the state respondents have filed the reply in the present case.</p> <p>It appears from the materials on record that the applicant retired as Field Labourer on November 30, 2009. It further</p>	

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appears from record that the applicant has received a sum of Rs.1,09,259/- as retiring gratuity on September 12, 2014 and a sum of Rs.1,85,250/- as commuted value of pension on September 12, 2014. The state respondents have admitted in their reply that delay took place in disbursement of the amount of retiring gratuity and commuted value of pension for issuance of authorisation in favour of another Field Labourer inadvertently and by mistake, which was subsequently corrected and proper authorisation was made by the authority concerned for disbursement of retiring gratuity and commuted value of pension in favour of the applicant. It has, thus, been established from the materials on record that the delay in disbursement of retiring gratuity and commuted value of pension took place due to lapses on the part of the state respondents and as such the applicant is entitled to get interest for delayed payment of retiring gratuity and commuted value of pension.

On consideration of interest paid on long term fixed deposit by the nationalised bank and the interest paid for GPF and PPF, we are of the view that the applicant is entitled to get interest @ 8% per annum. The applicant retired from service on November 30, 2009 and a reasonable period of three months must be given to the state respondents for disbursement of the amount of retiring gratuity and commuted value of pension. Accordingly, the applicant is entitled to get interest during the period from March 1, 2010 till August 31, 2014 i.e. the last date

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of the month preceding the month in which retiring gratuity and commuted value of pension were disbursed in favour of the applicant.

In view of our above findings, the respondent no. 3, Director of Agriculture, Government of West Bengal is directed to make payment of interest to the applicant @8% per annum on the amount of Rs.1,09,259/- and also on the amount of Rs.1,85,250/- during the period from March 1, 2010 to August 31, 2014 within a period of 8 (eight) weeks from the date of communication of the order.

With the above direction, the original application stands **disposed of.**

Let a plain copy of this order be supplied to the applicant.

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib