

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 1415 OF 2014**

Lakshman Chandra Sarkar 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
13 <hr/> 17.04.2018	<p>For the Applicant : Mr. M. Ali, Learned Advocate.</p> <p>For the Respondents : Mr. S. Bhattacharjee , Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to give interest to the applicant on gratuity and pension for the delay in making payment of gratuity and pension.</p> <p>It appears from the materials on record that the applicant retired from the post of Revenue Officer on July 31, 2009. The applicant was attached to the office of respondent no. 7 at the time of retirement. The applicant had to approach the Tribunal for inordinate delay in making payment of pension and retirement benefits by filing OA-389 of 2013. On August 29, 2013, this Tribunal disposed of OA-389 of 2013 by giving direction to the Principal Secretary, Land & Land Reforms Department, Government of West Bengal to release provisional pension and retirement benefits in favour of the applicant. It is contended on behalf of the applicant that the applicant has already received pension, retiring gratuity, commuted value of pension and other retirement benefits. The grievance of the applicant is that there was delay of almost 5 (five) years in giving gratuity and commuted value of pension, but no interest is paid on the amount of gratuity and the</p>	

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amount of commuted value of pension to the applicant. There was nothing on record to indicate that the delay in making payment of gratuity and other retirement benefits can be attributed to the conduct of the applicant.

It appears from the certificate regarding payment of retiring gratuity and commuted value of pension to the applicant (which was issued by the respondent no. 7 on May 5, 2014) that the applicant was given retiring gratuity of Rs.3,72,075/- vide Token No. 986 dated April 28, 2014 issued by the Treasury Officer, Berhampore-I and Rs.3,82,299/- as commuted value of pension vide Token No. 987 dated April 28, 2014 issued by the Treasury Officer, Berhampore-I. The applicant must have received the said amount of money in the month of May, 2014. By virtue of Memo. No. 9112-F dated September 24, 1979 issued by the Finance Department (Audit Branch), Government of West Bengal read with Memo. No. 2196-F (Pen) dated December 9, 1991 addressed to the Deputy Accountant General (Pension), AG, West Bengal by the Deputy Secretary, Finance Department (Audit Branch), Government of West Bengal, any Government employee is entitled to get interest @ 5% per annum on the amount of gratuity for delay beyond the period of 3 (three) months after the gratuity becomes due till the end of the month preceding the month in which payment is actually made, if the delay cannot be

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attributed to any fault on the part of the Government employee. In view of the above Government Order, the applicant is entitled to interest @ 5% per annum on the amount of retiring gratuity of Rs.3,72,075/- for the period from November 1, 2009 to April 30, 2014. On the same analogy, the applicant is also entitled to get interest @ 5% per annum on the amount of commuted value of pension of Rs.3,82,299/- for the period from November 1, 2009 to April 30, 2014.

The respondent no. 7 is directed to make payment of interest on the amount of retiring gratuity and commuted value of pension as observed by us to the applicant within a period of **12 (twelve) weeks** from the date of communication of the order.

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

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib