

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 374 of 2016**

Jharna Patra

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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13/09/2018

For the Applicant : *Mr. A. Pati,*
Mr. S.C. Dhara,
Ld. Advocates.

For the State Respondent : *Mrs. S. Agarwal,*
Ld. Advocate.

The applicant has prayed for direction upon the respondents to pay interest for delayed payment of gratuity of her deceased husband.

It appears from the materials on record that one Dinabandhu Patra, husband of the applicant died on February 12, 2012 when he was working as Constable of Police in the establishment of Superintendent of Police, Bankura. The death gratuity of the deceased government employee was issued on April 9, 2012, but the amount of gratuity to the tune of Rs. 5,33,243/- is actually paid to the applicant on March 5, 2016. The grievance of the applicant is that there was lapse on the part of the administration in disbursement of the amount of gratuity and as such the applicant is entitled to get interest for delayed payment of gratuity.

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	<p><i>The reply submitted on behalf of the state respondents indicates that the husband of the applicant received house building advance amounting to Rs. 2,01,000/- in terms of Memorandum dated June 18,2001 while he was posted in the district of Burdwan. The husband of the applicant paid Rs. 1,66,160/- towards house building advance in 124 instalments but the balance amount of Rs. 34,840/- could not be paid due to premature death of the concerned employee. The said balance amount of house building advance along with accrued interest amounted to Rs. 1,36,724/-. The amount of gratuity was not disbursed in favour of the applicant for not waiving of outstanding dues of house building advance of the husband of the applicant. The various correspondences made between the Superintendent of Police, Bankura and A.G.,W.B. and between the Superintendent of Police, Bankura and the department concerned, indicate that the outstanding dues of house building advance of the husband of the applicant was ultimately waived on August 20, 2015 by the order of the Deputy Secretary to the Government of West Bengal, Home Department, Police Establishment Branch and the amount of gratuity was disbursed on March 5,</i></p>	

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	<p><i>2016. On close scrutiny of the materials on record we do not find any lapse on the part of the applicant for delayed payment of gratuity. Accordingly, we are of the view that the applicant is entitled to get interest for delayed payment of gratuity.</i></p> <p><i>By virtue of Memorandum No. 9112-F dated September 24,1979 issued by the Secretary to the Government of West Bengal, Finance Department, Audit Branch read with letter no. 2196-F (Pen) dated December 09, 1991 issued by the Deputy Secretary, Finance Department, Audit Branch the applicant is entitled to get interest on the amount of gratuity for the period beyond 3 (three) months when the gratuity becomes due till the end of the preceding month on which payment was actually made, as there was no lapse on the part of the applicant. In the instant case, the applicant is, thus, entitled to get interest during the period from August 01, 2012 to February 28, 2016. On consideration of rate of interest paid for the amount deposited in the G.P.F. and P.P.F. and rate of interest paid for long term Fixed Deposit by the Nationalized Bank, we are of the view that the applicant is entitled to get interest @ 8% per annum.</i></p> <p><i>In view of our above findings, the respondent No. 3, Superintendent of Police, Bankura is directed to pay to the applicant interest @ 8% per annum on</i></p>	

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Csm	<p><i>the amount of Rs. 5,33,243/- during the period from August 01, 2012 to February 28, 2016 within a period of 12 weeks from the date of communication of the order. With the above direction the original applicant is disposed of. Let a Plain Copy of the order be supplied to the applicant free of cost.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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