

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Soumitra Pal  
& The Hon'ble Subesh Kumar Das**

**Case No – OA 1029 OF 2016**

**SANDIP 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
<p style="text-align: center;">09</p> <hr/> <p style="text-align: center;">31.01.2019</p>	<p><i>For the Applicant : Mr. H. Nandi, Learned Advocate.</i></p> <p><i>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</i></p> <p style="text-align: center;"><i>In this application, Sandip Sarkar, the applicant, has prayed for a direction upon the respondent authorities to grant interest on the delayed payment of death gratuity on account of death of Chhabi Adhikari an employee of BMOH, Changrabandh, BPHC, Cooch Behar. It appears that Chhabi Adhikari was the mother of the applicant. The mother of the applicant died intestate on October 11, 2011 leaving behind the applicant and Sarmistha Sarkar, a divorcee daughter. It also appears that on January 21, 2015 the Accounts Officer had issued direction for payment of death gratuity. It appears that the Collector, Cooch Behar had issued legal heir certificate dated February 17, 2012 declaring that Sarmistha Sarkar and Sandip Sarkar are the legal heirs of late Chhabi Adhikari in terms of Rule 7 (1)(e)(2) (Death-cum-Retirement Benefit Rule 1971).</i></p> <p style="text-align: center;"><i>Having heard Mr. Nandi, learned advocate for the applicant and Mrs. Agarwal, learned advocate for the</i></p>	

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*state respondents and considering the facts and circumstances of the case, this application is disposed of by directing, Block Medical Officer of Health, Changrabandh, BPHC, Cooch Behar, the respondent no. 3, to grant interest @8% per annum on the delayed payment of gratuity to be calculated from the date on which all papers were submitted by the applicant till the date of actual disbursement and the said amount will be divided and distributed equally between Sarmistha Sarkar and Sandip Sarkar within ten weeks from the date of presentation of a copy of this order.*

**( S.K.DAS )  
Member ( A )**

**(SOUMITRA PAL)  
Chairman**

*H.S/CSM/SS*