

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No – OA 1037 of 2015.

Arun Kumar Bayal – Vs_ State of W.B. & 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>08 07.05.2018.</p>	<p>For the Applicant : Smt. S. Mitra, Ld. Adv.</p> <p>For the State Respondents : Mr. S. N. Roy, Ld. Adv.</p> <p>The applicant has prayed for interest on delayed payment for Gratuity and commuted value of pension.</p> <p>The applicant retired from service on February 28, 2011. In view of re-fixation of pay of the applicant by virtue of direction given by this Tribunal on September 19, 2013 in OA 1257 of 2012, the retirement benefits were released after long delay. It appears from record that the applicant received Rs,3,17,486/- as Gratuity on March 04, 2014 and Rs. 3,55,751/- as commuted value of pension on March 04, 2014.</p> <p>The question for consideration of the Tribunal is whether the applicant is entitled to get interest on the amount of Gratuity and the amount of commuted value of pension. By virtue of Memorandum No. 9112-F dated September 24, 1979 issued by the Secretary to the Government of West Bengal, Finance Department , Audit</p>	

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	<p>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 Gratuity at the rate of 5 per cent per annum for the period beyond three months when the gratuity becomes due till the end of the preceding month on which payment was actually made, if there was no lapse on the part of the applicant. In the instant case, there is nothing on record to indicate that there was any lapse on the part of the applicant and as such, the delay cannot be attributed to the conduct of the applicant. So, the applicant is entitled to get interest on the amount of gratuity as observed herein above. On the same analogy the applicant is entitled to get interest at the same rate on commuted value of pension.</p> <p>In view of our above findings, the Respondent No. 3, Block Development Officer, Panskura-I Development Block is directed to make payment of interest to the applicant at the rate of 5 per cent per annum on the amount of Rs, 3,17,486/- (Gratuity) and on the amount of Rs, 3,55,751/- (commuted value of pension) for the period from June 01, 2011 to February 28, 2014 within a period of twelve weeks from the date</p>	

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Skg.	<p>of communication of the order.</p> <p>With the above direction the Original application is disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member (J).</p>	

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