

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-27 of 2018**

Shanti Sarkar

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.
1	2	3
<u>01</u> 22/01/2019	<p><i>For the Applicant</i> : <i>Mr. P. Dhole,</i> <i>Ld. Advocate.</i></p> <p><i>For the State Respondent</i> : <i>Mr. S. Ghosh,</i> <i>Ld. Advocate.</i></p> <p><i>For the A.G., W.B.</i> : <i>Mr. B. Mitra,</i> <i>Depttl. Representative.</i></p> <p style="text-align: center;"><i>Affidavit of Service filed on behalf of the applicant today is kept on record.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for payment of the amount of the Group Insurance, T.A. Bills, bills for Medical Reimbursement of the husband of the applicant and payment of interest for delayed payment of Gratuity and amount of General Provident Fund of the husband of the applicant.</i></p> <p style="text-align: center;"><i>It appears from the materials on record that Dr. Gopal Chandra Sarkar, the husband of the applicant died on September 23, 2007, while he was working in the post of Assistant Director of Health Services, Government of West Bengal. The contention of the applicant is that the husband of the applicant submitted T.A. Bills and bills for reimbursement of medical expenses but the said bills have not been paid after the death of the husband of the applicant. The further contention of the applicant is that the applicant has not yet received the amount of Group</i></p>	

ORDER SHEET – (Continuation)

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Shanti Sarkar
.....

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	<p><i>Insurance on account of death of the husband of the applicant. It is also contended on behalf of the applicant that there was inordinate delay for payment of Gratuity and the amount of General Provident Fund but interest has not been paid for such delayed payment.</i></p> <p><i>Having heard Learned Counsel for the applicant, Learned Counsel representing the state respondents and the Departmental Representative of the respondent A.G., W.B., we find that the applicant has failed to place on record any scrap of paper indicating submission of T.A. Bill and bill for reimbursement of medical expenses of the husband of the applicant and as such we are not inclined to accept the contention made on behalf of the applicant for non-payment of T.A. Bill and bill for reimbursement of the medical expenses of the husband of the applicant. However, the correspondences made between the Block Medical Officer of Health, Nabagram B.P.H.C. and the Chief Medical Officer of Health, Murshidabad on April 19, 2007 go to establish that the applicant did not receive the amount of Group Insurance after the death of her husband. The letter dated November 18, 2009 issued to the Treasury Officer, Berhampore (I) Treasury, Health Services, West Bengal indicates that the applicant received a sum of Rs. 2,50,000/- towards Death Gratuity of her husband through cheque bearing No. 297098 dated September 15, 2009. Admittedly, there was delay in payment of Gratuity to the wife of the deceased employee</i></p>	

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	<p><i>for which the applicant is entitled to get interest. However, the amount of General Provident Fund have already been received by the applicant and it is the usual practice to disburse the amount of General Provident Fund along with interest accrued on the principal amount during the period from the date of deposit till the date of actual disbursement of the said amount. In our view, the applicant is not entitled to get any interest on the amount of General Provident Fund of her husband.</i></p> <p><i>With regard to the amount of interest to be paid for delayed payment of Gratuity we have taken into consideration the rate of interest paid by the Nationalised Bank for long term fixed deposit and the rate of interest paid on G.P.F. and P.P.F. which in our view is not more than 8% per annum. The amount of Gratuity of Rs. 2,50,000/- was received by the applicant on September 15, 2009 and the husband of the applicant died on September 23, 2007. We are inclined to give allowances of 3 months for taking necessary steps for disbursement of the amount of Death Gratuity to the applicant. Accordingly, the applicant is entitled to get interest at the rate of 8% per annum on the amount of Gratuity during the period from January 01, 2008 to August 31, 2009 i.e. the last date of the month preceding the month in which the payment of Gratuity was made.</i></p> <p><i>In view of our above findings, the respondent No. 2,</i></p>	

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Csm	<p><i>the Director of Health Services, West Bengal is directed to disburse the amount of Group Insurance of Dr. Gopal Chandra Sarkar in favour of the applicant within a period of 12 (twelve) weeks from the date of submission of the application by the applicant in the prescribed format along with all necessary particulars for disbursement of the amount of Group Insurance, if not already paid. The respondent No. 2, the Director of Health Services, West Bengal is further directed to make payment of interest to the applicant @ 8% per annum on the amount of Gratuity of Rs. 2,50,000/- during the period from January 01, 2008 to August 31, 2009 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.</i></p> <p><i>Let a Plain Copy of the order be supplied to both parties.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	