

**IN THE WEST BENGAL ADMINISTRATIVE TRIBUNAL  
K O L K A T A**

Present :-

Hon'ble Justice Soumitra Pal,  
Chairman.

-And-

Hon'ble Dr. Subesh Kumar Das,  
Administrative Member.

O.A. – 344 of 2012

Jagadish Chanda

Applicant.

-Versus-

State of West Bengal & Others.

Respondents.

For the Applicant :-

Mr. J. Dey, Advocate.

For the State Respondents :-

Mr. B.P. Roy,

Mr. G.P. Banerjee, Advocates.

Judgment delivered on : August 3, 2018.

The applicant is directed to add Block Medical Officer of Health, Kharika Mathani Block Primary Health Centre, Post Office - Kharika Mathani, Police Station - Nayagram, District - Paschim Medinipur as party respondent by amending the cause title. Since Mr. B.P. Roy, Learned Advocate for the respondents accepts service of notice on behalf of the added respondent, no further copy of the petition need to be served on the respondents.

2. On 13.07.2018, the hearing was concluded and the matter was reserved for judgment. The applicant has prayed for interest on delayed payment of Gratuity and arrears of Pension.

3. One Jagadish Chanda, the present applicant retired from the post of Health Supervisor (Male) of Kharika Mathani Block Primary Health Centre, Post Office - Kharika Mathani, Police Station - Nayagram, District - Paschim Medinipur on September 30, 2010. The applicant received an amount of Rs.3,98,772/- as Gratuity on 26.05.2011. The applicant has now prayed for interest on the delayed payment of Gratuity. The respondents have also confirmed the date of his retirement and the date of receipt of Gratuity by the applicant in their reply.

4. The question for consideration of the Tribunal is whether the applicant is entitled to get interest on the amount of Gratuity. According to 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 9, 1991 issued by the Deputy Secretary, Finance Department, Audit Branch, in case of delayed payment of gratuity, a retired Government employee is entitled to get interest on the amount of gratuity @ 5% 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 employee. In the instant case, it appears from the materials on record that the delay in payment of Gratuity cannot be attributed to the conduct of the applicant. So, the applicant is entitled to get interest on delayed payment of Gratuity.

5. On consideration of the materials on record, we find that in the instant case, the applicant is entitled to get interest on the amount of Gratuity for the period from December 1, 2010 to April 30, 2011. The amount of interest @ 5% per annum was fixed by the memo of Finance Department, Government of West Bengal in the year 1979. By taking into consideration the present rate of interest given by the nationalised banks on term deposit and the interest on the amount of money deposited in PPF and GPF, we are of the view that the amount of interest should be fixed @8% per annum.

6. In view of our above findings, the Block Medical Officer of Health, Kharika Mathani Block Primary Health Centre, Post Office - Kharika Mathani, Police Station - Nayagram, District - Paschim Medinipur, the added respondent, is directed to make payment of interest to the applicant @ 8% per annum for the amount of Rs.3,98,772/- for the period from December 1, 2010 to April 30, 2011 within a period of 12 (twelve) weeks from the date of communication of the order.

7. With the above direction, the original application stands disposed of.

8. The urgent certified copy of the order, if applied for, be supplied to the parties subject to compliance of necessary formalities.

( Dr. Subesh Kumar Das )  
MEMBER(A)

(SOUMITRA PAL )  
CHAIRMAN