

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 751 OF 2018

Ratan Barman 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
11 11.12.2018	<p>For the Applicant : Mr. T.K. Das Learned Advocate.</p> <p>For the Respondents : Mr. S. N. Ray, Learned Advocate.</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for grant of family pension and for grant of interest for delayed payment of Gratuity, Leave Salary, amount of GPF and amount of Group Insurance on account of premature death of Radharani Barman, the aunt of the applicant.</p> <p>The applicant claims to be the legal heir of one Radharani Barman who died on June 23, 2002 while she was working as female GDA in the establishment of Respondent No. 6. The contention of the applicant is that he obtained succession certificate for getting retirement benefits of the deceased Radharani Barman from the competent Court of Law on May 31, 2007. It appears from record that the succession certificate issued in favour of the applicant by District Delegate of Raigunj on May 31, 2007 in miss case no. 35 of 2007 was challenged by one Rita Barman by filing OC 5 of 2008 before Learned Civil Judge (Junior Division), Raigunj, Uttar Dinajpur, but the said OC 5 of 2008 was dismissed for default on April 17,</p>	

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2009. The injunction granted by the Court restraining the authority concerned from disbursing retirement benefits of Radharani Barman on the basis of the succession certificate issued in favour of the applicant was ultimately vacated on April 17, 2009 and the said fact was communicated by the Respondent No. 6 to the Respondent No. 3 by letter dated October 1, 2009 (annexure J to the original application).

Now, the question for consideration of the Tribunal is whether the applicant is entitled to get interest on retirement benefit of Radharani Barman for delayed payment of the said benefits to the applicant and whether the applicant is entitled to get family pension.

Learned Counsel for the applicant has not pressed for prayer for grant of family pension to the applicant.

There is nothing on record to indicate when the applicant took necessary steps by filling up the formal application and furnishing of necessary information before the Respondent No. 6 for disbursement of retirement benefit of Radharani Barman, except communication made by him in connection with his succession certificate. Learned Counsel for the applicant submits that the applicant has received Death Gratuity of Rs.1,19,900/- on January 5, 2016, Leave Salary of Rs.44,400/- on November 7, 2017, Insurance part of the Group Insurance of

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Rs.12,000/- on October 23, 2017, Savings part of Group Insurance of Rs.2,560/- on October 23, 2017 and the amount of GPF to the tune of Rs.53,450/- on December 18, 2017. No satisfactory explanation is forthcoming from the State respondents as to why delay took place in disbursement of the retirement benefit of Radharani Barman after production of succession certificate by the applicant. The delay in disbursement of retirement benefit cannot be attributed to the conduct of the applicant and as such the applicant is entitled to get interest for delayed payment of retirement benefit of Radharani Barman.

With regard to interest on amount of GPF, we would like to observe that the GPF amount is always released along with interest accrued on the subscription deposited by the concerned employee and as such the applicant is not entitled to get any interest on the amount of GPF to the tune of Rs.53, 450/- which was disbursed along with interest accrued on the subscription of the concerned employee on December 18, 2017. However, the applicant is entitled to get interest on Death Gratuity, Leave Salary and the amount of Group Insurance. The fact of production of succession certificate was communicated by the Respondent No. 6 to the Respondent No. 3 on October 1, 2009 and the amount of retirement benefit should have been released at least within a period of 3 months from October 1, 2009. In our view, the applicant is entitled to get interest at least from January

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1, 2010 till the last date of the month preceding the month in which Death Gratuity, Leave Salary and Group Insurance were actually paid to the applicant. On consideration of the amount of interest given for GPF or PPF and the amount of interest paid by the nationalised bank on long term fixed deposit, we are of the view that the applicant is entitled to get interest @8% p.a.

In view of our above findings, the Respondent No. 6, Superintendent, District Hospital at Raigunj is directed to grant interest to the applicant @8% p.a. on the amount of Death Gratuity of Rs.1,19,000/- during the period from January 1, 2010 till December 31, 2015, on the amount of Leave Salary of Rs.44,400/- during the period from January 1, 2010 till October 31, 2017 and on amount of Group Insurance of Rs.14,560/- during the period from January 1, 2010 till September 30, 2017 within a period of twelve weeks from the date of communication of the order.

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

Let a plain copy of the order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib

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