

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

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

**Case No –OA 80 OF 2016**

**Shyamali Soren 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>11 21.08.2018</p>	<p>For the Applicant : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>For the State Respondents : None.</p> <p>The applicant has prayed for a direction upon the respondents to pay interest for delayed payment of gratuity, leave salary and arrears of pension.</p> <p>The applicant retired from the post of Sub-Inspector of Schools on November 16, 2010 on the ground of physical incapacitation while he was working under the respondent no. 5, District Inspector of School (Secondary Education), Dakshin Dinajpur. The contention of the applicant is that the applicant has received pension, amount of GPF, amount of Group Insurance, amount of Gratuity and amount of Leave Salary long after the said retirement benefits were due to the applicant and thereby the applicant is deprived of the interest on the said amount of money.</p> <p>Mr. Das Sinha, Learned Counsel appearing for the applicant has pointed out from the entries made in the copy of the pass book of the applicant and other documents that the applicant received the amount of GPF to the tune of Rs.1,03,589/- on June 7, 2014, the amount of Group Insurance to the tune of Rs.6,900/- on September 20, 2014, the amount of Gratuity to the tune of Rs.50,550/- on</p>	

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	<p>November 15, 2014 and the amount of Leave Salary to the tune of Rs.5,968/- through cheque dated December 10, 2013. The applicant is not entitled to get any interest on the amount of pension as the said interest cannot be calculated for the purpose of disbursement in favour of the applicant. Similarly, the applicant is not entitled to get any interest on the amount of GPF, as the amount of GPF is always disbursed along with interest accrued on the deposited amount till the date of disbursement of the same. There is nothing on record to indicate that the applicant has not received interest on GPF till the date of payment. However, the applicant is entitled to get interest on the amount of Gratuity, amount of Group Insurance and amount of Leave Encashment as the said benefits were not given to the applicant within reasonable period of time after retirement.</p> <p>By virtue of Memorandum No. 9112-F dated September 24, 1979 issued by the Joint 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, the applicant is entitled to get interest for the period beyond three months when gratuity becomes due till the end of the preceeding month on which payment was actually made, if there was no lapse on the part of the applicant. On the same analogy, the applicant is entitled to get interest on the amount of Group Insurance and the amount of Leave Salary. We do not find any lapse on the part of the applicant for delayed payment of the above financial benefits</p>	

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Rajib	<p>of service to the applicant. On consideration of rate of interest paid on the amount deposited in GPF and PPF and the rate of interest paid on the amount of money kept in long term fixed deposit in the nationalised bank, we are of the view that the rate of interest will be 8% p.a.</p> <p>In view of our above findings, the respondent no. 5, District Inspector of School (Secondary Education), Dakshin Dinajpur is directed to pay to the applicant interest @8% p.a. on Rs.6,900/- (Group Insurance) during the period from February 1, 2011 to August 31, 2014, on Rs.50,550/- (Gratuity) for the period from February 1, 2011 to October 31, 2014 and on Rs.5,968/- (Leave Salary) for the period from February 1, 2011 to November 31, 2013 within a period of 12 weeks from the date 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 the applicant.</p> <p style="text-align: center;"><b>(Dr. S.K. Das)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(R.K. Bag)</b> <b>Member (J)</b></p>	

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