

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

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

**Case No –OA 1109 OF 2011**

**Molla Md. Faridul Haque 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 style="text-align: center;">21</p> <hr/> <p>10.08.2018</p>	<p>For the Applicant : Mr. S. N. Ray, Learned Advocate.</p> <p>For the State Respondents : Mr. B. P. Roy, Learned Advocate.</p> <p>For the A.G., W.B. : Mr. B. Mitra, Departmental Representatives.</p> <p>The applicant has prayed for direction upon the respondents to pay interest for delayed payment of gratuity and commuted value of pension.</p> <p>The applicant retired from the post of Upper Division Clerk in the Establishment of District Inspector of Schools (Primary Education), Birbhum on September 30, 2010. The applicant claims to have received an amount of Rs.2,77,376/- as gratuity vide a cheque no. 315094 dated May 12, 2011 and an amount of Rs.3,36,872/- as commuted value of pension vide a cheque no. 315093 dated May 12, 2011 as reflected from the document marked by annexure F to the original application. The grievance of the applicant is that the interest was not paid for delayed payment of gratuity and commuted value of pension, particularly when the delay cannot be attributed to the conduct of the applicant.</p>	

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	<p>Having heard Learned Counsel representing both parties and on consideration of 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, Government of West Bengal, the applicant is entitled to get interest on the amount of gratuity for the period beyond 3 months when the 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 also entitled to get interest on commuted value of pension. There is nothing on record to indicate that there was any lapse on the part of the applicant for delayed payment of gratuity and commuted value of pension. On consideration of rate of interest payable on the amount deposited in Public Provident Fund and General Provident Fund and rate of interest payable on long term fixed deposit by the nationalised bank, we are of the view that the interest for delayed payment of gratuity and commuted value of pension should be paid @8% p.a.</p> <p>In view of our above findings, the Respondent no. 4, District Inspector of Schools (Primary Education), Birbhum is directed to make payment of interest to the applicant @8% p.a. on the amount of Rs.2,77,376/- (gratuity) and Rs.3,36,872/- (commuted value of pension) during the period from January 1, 2011 to April 30, 2011 within a period of 12 weeks from the date of</p>	

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

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