

07.04.2021
ITEM NO. 21 wt 22
Ct. No.6
Saswata

CPAN 1367 of 2019
in
WPA 8863 of 2017
with
IA No. CAN 1 of 2021
(Via video conference)
Gita Maity
-vs-
Parvez Ahmed Siddiqui & Anr.

Mr. Chandi Charan Roy
... for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
... for the alleged contemnors

By an order dated May 5, 2017, WP 8863 (W) of 2017 was disposed of by directing the concerned Treasury Officer to pay to the petitioner interest at the rate of 9% per annum on the amount released in favour of the petitioner by way of pensionary benefit, on and from June 15, 1990 till the date of issuance of the Pension Payment Order.

Alleging deliberate violation of the aforesaid order, the present contempt application was filed.

The Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and the concerned Treasury Officer filed an application for clarification and/or modification of the order dated May 3, 2017 to the extent that interest should be directed to be paid with effect from November 1, 2010

instead of June 15, 1990. Such application is pending.

In the meantime, a bunch of appeals involving identical points have been disposed of by the Hon'ble Division Bench by a judgment and order dated March 24, 2021 passed in MAT 1858 of 2019 and other appeals by clarifying that in such cases, interest should be directed to be paid from November 1, 2010 instead of June 15, 1990.

In view of the aforesaid, the contempt application and the modification application are both disposed of by clarifying that the petitioner shall be entitled to interest at the rate of 9% per annum on the arrear pension with effect from November 1, 2010 instead of June 15, 1990.

Such interest shall be paid to the petitioner by the concerned Treasury Officer within two weeks from the date of a copy of this order being placed before the Treasury Officer.

Accordingly the contempt application being CPAN 1367 of 2019 and the application for clarification and / or modification being IA no. CAN 1 of 2021 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after completion of requisite formalities.

(Arijit Banerjee, J.)