

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 412 of 2020

**Smri Kana Basu Mallik
-versus
The State of West Bengal & Ors.**

**Mrs. Sabita Khutia (Bhunya)
...For the Petitioner.**

**Mr. Hirak Barman,
Ms. Bedushruti Bose
...For the State.**

The petitioner was an Assistant Teacher of a High School. She retired from service on 31.05.1997. The first pension payment order was issued on 25.09.1998 and the arrear pension was disbursed on 04.12.1998. Under the ROPA Rules, 1998 there was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 31.03.2002 and the arrear revised pension was disbursed on 21.05.2002 in terms of ROPA 1998. The petitioner claims interest on delayed payment of revised gratuity and revised arrear pension.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

It is settled law that the right of a retired employee to get his retiral dues as and when the same becomes due and payable. If payment of the retiral dues is

delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the pension and revised pension amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee.

In view of the aforesaid, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 9% per annum on the revised gratuity and revised arrear pension calculated on and from April 01, 1998 till date of actual payment.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

W.P.A. 412 of 2020 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)