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25.02.2020.
d.p.

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

W.P.A. 577 of 2020

**Partha Sarathi Das
-versus
The State of West Bengal & Ors.**

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

**Mr. Debabrata Dhar,
Ms. Paramita Sahu.
...For the State.**

The petitioner was serving as Principal of a College. He retired from service on 28.02.2010. The first pension payment order was issued on 26.12.2011 and the arrear pension was disbursed on 10.04.2012.

The pay structure of the petitioner was revised with effect from 1st January, 2006 vide memo no. 1363 UGC/4P-296UGC/09 dated 11th September, 2013. The pension payment order was issued in favour of the petitioner on 26.12.2011 and pay according to the revised Memo was issued on 11.09.2013. The arrear pension and gratuity was disbursed on 10.04.2012. The revised pay as principal was disbursed in favour of the petitioner on 06.01.2014.

The petitioner claims interest on delayed payment of gratuity and pension as well as for revised pay in terms of the aforesaid memo dated 11th September, 2013.

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 Public Instruction, 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 gratuity and pension amount from the next date of retirement till the date of actual payment and also to pay interest to the writ petitioner @ 9% per annum on the revised arrear pay calculated on and from the due date till the date of actual payment.

Such payment is to be made within twelve 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. 577 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.)