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**In the High Court at Calcutta
Appellate Jurisdiction
(Via Video Conference)**

W.P.A. 9146 of 2021

**Sambhu Nath Kundu
-versus
The State of West Bengal & Ors.**

**Mr. Sudip Sarkar
...For the Petitioner.**

The affidavit-of-service filed in Court is taken on record.

None appears for the State respondents.

The petitioner was a College Lab Attendant and retired from service on 30.11.2008. The first pension payment order was issued on 09.03.2009 and the gratuity amount and the arrear pension was disbursed on 02.10.2009. Under the ROPA Rules, 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 07.02. 2011 and the gratuity amount and arrear revised pension was disbursed on 20.06.2011 in terms of ROPA 2009. The petitioner claims interest on delayed payment of the gratuity and arrear pension amount.

I have heard learned counsel for the petitioner 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 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 5% per annum on the gratuity and arrear pension calculated on and from 19.05.2009 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. 9146 of 2021 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.)