

Ct. 05
Item No.156
01.10.2021
(suvendu)

WPA 9147 OF 2021

(VIA VIDEO CONFERENCE)

Ramkrishna Ghose
Vs.
The State of West Bengal & Ors.

Mr. Sandip Ghoshfor the petitioner
Ms. Rupsha Chakrabortyfor the State

Affidavit of service filed in Court today is taken on record.

Petitioner is a retired Primary Teacher who retired on superannuation with effect from 31st May, 1996 and the first Pension Payment Order was issued on 10th May, 1998 thereby retiral dues were released in favour of the writ petitioner. Pursuant to the revision of pay as per ROPA 1998, revised Pension Payment Order was issued on 19th February, 2002 and as per the said revised Pension Payment Order, payment was made on 28th June, 2004. Writ petitioner prays for interest on delayed payment of revised gratuity in terms of ROPA 1998.

The entitlement of the writ petitioner to interest on delayed payment of gratuity due to superannuation has already been decided in the writ petition being WP No. 4600(W) of 2019 (**Rabindra**

Kumar Bhattacharjee vs. State of West Bengal and Ors.) wherein upon placing reliance on judgment of the Apex Court in the case of **Union of India vs. Tarsem Singh, reported in (2008) 8 SCC 648** on condoning delay in approaching the Court for payment of interest on gratuity the said writ petition was allowed by extending the benefit on delayed payment of gratuity upon due consideration of the fact that there is no accrual of third party interest and matter relates to payment of retiral dues.

Taking note of the observations made by the coordinate Bench in the order dated 17th April, 2019 passed in WP No. 4600(W) of 2019 (**Rabindra Kumar Bhattacharjee vs. State of West Bengal and Ors.**) this Court finds it apposite to grant interest on gratuity to the writ petitioner due to delay in releasing the said amount.

Accordingly, the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest at the rate of **Rs.8%** per annum to the writ petitioner on delayed payment of revised gratuity from 12th February, 1999, being the date of notification relating to ROPA 1998 Rules, till the date of actual disbursement of the revised gratuity amount, within a period of eight weeks from the date of communication of this order.

Since no affidavit is called for the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)