

Court No. 24

19.07.2021

(Item No. 17)

(AB)

W.P.A 9255 of 2021

(via video conference)

Madan Mohan Samanta

vs

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

... for the petitioner

Affidavit of service filed in Court today be kept with the record.

The petitioner was a College Associate Professor and he retired from service on 31.01.2007. The first pension payment order was issued on 29.03.2007 and the gratuity amount and the arrear pension amount was disbursed on 25.06.2007. Under the ROPA Rules, 2009 there was a revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 16.09.2011 and the gratuity amount and arrear revised pension was disbursed on 30.08.2012 in terms of ROPA 2009. The petitioner claims interest on delayed payment of revised gratuity and revised arrear pension.

None appears on behalf of the State.

I have heard learned counsel appearing 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 revised gratuity and revised 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 to be admitted.

W.P.A. 9255 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.)