

Court No. 24

04.08.2021

(Item No. 49)

(AB)

**W.P.A 29404 of 2017
(via video conference)**

Bidhu Bhuson Samui

vs

The State of West Bengal & Ors.

Mr. Sudip Sarkar

Mrs. Sabita Khutia (Bhunya)

... for the petitioner

Leave granted to the learned advocate of the petitioner to correct the date of issuance of Pension Payment Order of the petitioner as appearing in paragraph No. 4 of the writ petition and in the list of dates. The correct date for issuance of the Pension Payment Order will be 06.01.2010.

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

The petitioner was a Librarian and he retired from service on 31.08.2008. The first pension payment order was issued on 06.01.2010 and the gratuity amount and the arrear pension was disbursed on 12.03.2010. Under the ROPA Rules, 2009 there was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 04.04.2011 and the gratuity amount was disbursed on 19.08.2011 in terms of ROPA 2009. The petitioner claims interest on delayed payment of revised gratuity.

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 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 5% per annum on the revised gratuity calculated on and from the due date 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. 29404 of 2017 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.)