

28.06.2021
Item no. 6

Aloke
Ct. no.16

(Through Video Conference)

WPST 93 of 2020

Sri Sasanka Sekhar Chakraborty
Versus
The Secretary, Consumer Affaires Department & Ors.

Mr. Dip Jyoti Chakraborty, Adv.
... for the petitioner
Mr. Susanta Pal, Adv.
Mr. Ananya Neoti, Adv.
Mr. Sourav Mondal, Adv.
... for the respondent

The petitioner is aggrieved by the order passed by the learned West Bengal Administrative Tribunal in O.A. No.391 of 2015 insofar as it refuses to grant interest on the arrears of pension. The learned Tribunal refuses to grant interest on the ground that the amount of pension is to be paid to the retired Government employee may vary from month to month depending on increase of dearness relief on the basic pension on different point of time and in view thereof, the petitioner is not entitled to interest for delayed payment of arrears pension to the tune of Rs.14,84,369/- . The Tribunal although had taken note of the fact that arrears of pension was payable to the petitioner since February, 2011 to December, 2016 could not have denied payment of interest on the arrears pension on the aforesaid ground as admittedly

the writ petitioner was deprived of enjoying the fruits of the said benefit by reason of delayed payment. It does not matter whether it reduces any variable sums were not available before the Tribunal.

The learned Counsel for the respondent submits that the claim of the petitioner is barred by resjudicata as the petitioner has received all the terminal benefits in terms of the Tribunal's order.

We are unable to accept the said submission as the entitlement to the petitioner to receive the pension cannot be diluted or defeated by reason of its acceptance belatedly as the petitioner was entitled in law to receive the said amount which has been wrongfully and arbitrarily denied to the petitioner for six long years and it is unbecoming of the respondent to the deny such benefits to its employee.

On the wholesome principle that if there is an inexcusable delay in payment of arrears of pension, the retired employee is entitled to the benefit of interest as he was deprived of the immediate benefit of such retiral benefits, we allow the said prayer for interest from the date of filing of O.A. No.391 of 2015 till December, 2016 at the rate of 8% per annum of Rs.14,84,369/-.

The order of the Tribunal stands modified to the aforesaid extent.

The writ petition, being WPST 93 of 2020, stands disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)