

21.01.2021
Item No.22
AP/ss

WPA 41 of 2021

Chhaya Das
-Vs.-
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Debajit Kundu

.. ... for the petitioner

Mr. Bikramaditya Ghosgh,
Mr. M. Rahman

... .. for the respondents

This is a writ petition at the instance of a retired teacher who was superannuated from service on 30th April, 2008.

It is the case of the writ petitioner that ROPA 2009 came into force with effect from 19th May, 2009 requiring revision of pay of the writ petitioner being the Assistant Teacher of a High School. In spite of the fact that the writ petitioner came within the purview of ROPA 2009 Rules, pay was not revised in terms of the said ROPA Rules of 2009. In terms of the first Pension Payment Order issued under Memo dated 30th April, 2008 pensionary benefits were sanctioned in favour of the petitioner with effect from 1st May 2008. Subsequently, on revision of pay of the petitioner in terms of ROPA Rules of 2009 petitioner's pension was revised as a result thereof, the revised Pension Payment Order was issued vide Memo dated 11th July, 2011.

On perusal of the said revised Pension Payment Order dated 11th July, 2011 it appears that revised pensionary benefits were sanctioned in favour of the petitioner with effect from 25th October, 2011. Petitioner claims interest on delayed payment of arrear pension.

During the course of hearing, though this Court expressed reservation with regard to grant of interest on delayed payment of revised pension due to delay made in filing this writ petition but the learned advocate for the petitioner has brought to the notice of this Court an order dated 17th April, 2019 passed by a coordinate Bench in WP 4021 (W) of 2019 (Subhas Chandra Bhunia Vs. The State of West Bengal & Ors.) wherein this Court was pleased to grant interest in favour of the writ petitioner on similar set of facts. While granting interest in favour of the writ petitioner in WP 4021 (W) of 2019 (Subhas Chandra Bhunia Vs. The State of West Bengal & Ors.) the Court also placed reliance upon the judgment delivered by the Apex Court in the case of ***Union of India Vs. Tarsem Singh*** reported in **2008 (8) SCC 648** wherein law has been enunciated by the Apex Court in the matter of payment of re-fixation of pay or pension permitting grant of relief in spite of delay since no third party right accrues.

It has also been submitted on behalf of the State respondent that the said order dated 17th April, 2019 has not been appealed against.

Considering the submission made on behalf of the writ petitioner as well taking note of the observations made by the coordinate Bench in the order dated 17th April, 2019 passed in WP 4021 (W) of 2019 (Subhas Chandra Bhunia Vs. The State of West Bengal & Ors.) this Court finds it apposite to give direction upon the concerned respondent authorities for grant of interest on delayed payment of revised arrear pension.

Accordingly, Director of Pension, Provident Fund & Group Insurance being the respondent No.2 and the Treasury Officer being the respondent No.4 are directed to release interest in favour of the writ petitioner at the rate of ₹8% per annum on revised arrear pension as per ROPA 2009 Rules from the date of revision of pay till the date of actual payment of revised benefits within eight weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties after compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)