

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 646 of 2020

Phanindranath Ray
-versus-
State of West Bengal & Ors.

Mr. Debajit Kundu
.....For the petitioner
Mr. Hirak Barman
Ms. Bedashsruti Bose
....For the State

The petitioner retired from service as a Lecturer of a college on 28th February, 1999. The Pension Payment Order was first issued in favour of the petitioner on 23rd June, 2000 and after introduction of ROPA, 2009, revised Memo was issued on 14th May, 2013. The petitioner received the retirement benefits on 22nd December, 2000 and arrear revised pension on 11th January, 2014 on the basis of ROPA, 2009.

In view of decision of Union of India -vs- Tarsem Singh reported in (2008) 8 SCC 648 in spite of delay in making the application for interest on gratuity the delay was not fatal and shall not take away the claim of the petitioner in getting interest on delayed payment.

Having regard to the order passed by the Hon'ble Division Bench of this Court dated 14th August, 2013 in MAT 1118 of 2013 read with the Circular dated 25th June, 2002 issued by the Joint Director of Treasuries and Accounts, West Bengal, there cannot be any dispute that the petitioner is entitled to interest on the amount of delayed payment

of pension as also gratuity after his retirement as also interest on the revised arrear pension as also gratuity after his retirement as also interest on the revised arrear pension based on ROPA, 2009, to be payable from 19th May, 2009.

In view thereof, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay to the petitioner interest @ 9% per annum on delayed payment of gratuity and pension from the date of retirement upto the date of actual payment on the basis of the first pension payment order and also pay interest on revised arrear pension @ 9% per annum from 09th September, 2009 till the date of actual payment within four weeks from the date of service of an authenticated copy of this order.

The writ petition is disposed of in terms of the above.

There will be, however, no order as to costs.

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

(Moushumi Bhattacharya, J.)