

27.09.2021
Sl. No.11
akd

***Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction***

W.P.A. 1370 of 2021 [via video conference]

[Basanti Sarkar -Vs- The State of West Bengal & Ors.]

Mr. Biswajit Mal
... .. for the petitioner

Mr. Bikramaditya Ghosh
Mr. Pretom Das
... .. for the State

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

The instant writ petition has been preferred
challenging the impugned denial of the respondents to
pay interest for belated disbursement of the revised
benefits of gratuity under the provisions of the Revision of
Pay and Allowances Rules, 2009 (hereinafter referred to
as the ROPA, 2009).

Learned counsel appearing for the petitioner
submits that the husband of the petitioner retired from the
post of Assistant Teacher of Primary School on
30.09.2009 and the first pension payment order was
issued on 04.09.2009. Upon revision of pay under the
provisions of ROPA, 2009 the pension payment order
towards revised benefits was issued on 17.05.2012 and
the benefits of revised arrear were actually disbursed in

favour of the husband of the petitioner on 10.09.2012.

The husband of the petitioner died on 12.05.2018.

Learned counsel for the petitioner further submits that the issue of entitlement towards interest for belated disbursement of the benefits of revised arrear is no longer *res integra* and in identical matters, this Court has directed payment of interest for belated disbursement of the benefits of revised arrear on and from May 19, 2009. In support of such contention reliance has been placed upon a Government Order dated October 21, 2013.

Heard learned counsel appearing on behalf of the petitioner and considered the materials on record.

In an identical matter, the Court has directed payment of interest for belated disbursement of the benefits of revised gratuity under ROPA, 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits and as upon acceptance of such direction of the Hon'ble Court, the State authorities have issued the Government Order dated October 21, 2013, question of denial of interest to the petitioner does not occasion and in the said conspectus of facts and as the delay pertaining to disbursement of the revised benefits of arrear is not attributable to the petitioner, I am of the opinion that the petitioner is entitled to interest for belated disbursement of the benefits of revised arrear under ROPA, 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits.

Accordingly, this court directs the respondents, particularly concerned Treasury Officer to pay interest to the petitioner at the rate of 9% per annum on the benefits of revised arrear pension under ROPA, 2009 calculated on and from May 19, 2009 till the date of actual disbursement of such benefits to the petitioner within a period of ten weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)