

17.08.2022.
Court No. 13
Item no. 690.
sp

W.P.A. No. 12416 of 2022

Jharna Ghosh
Versus
The State of West Bengal & Ors.

Mr. Uttam Kumar Roy

..For the petitioner.

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)

Counsel appearing for the petitioner submits that the petitioner was an Assistant Teacher of a School and retired from service on 31.03.2008 and the first Pension Payment Order was issued in favour of the petitioner on 21.04.2008. Upon revision of pay under the provisions of ROPA, 2009 the pension payment order towards revised benefits was issued on 10.10.2012 and the benefits of revised gratuity were actually disbursed in favour of the petitioner on 28.01.2013.

Counsel for the petitioner further submits that the issue of entitlement towards interest for belated

disbursement of the benefits of revised gratuity is no longer res integra and in identical matters, this Court has directed payment of interest for belated disbursement of the benefits of revised gratuity on and from May 19, 2009. In support of such contention reliance has been placed upon a Government Order dated October 21, 2013.

Heard Counsel on behalf of the appearing parties and considered the materials on record.

As in identical matters, 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 21st October, 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 gratuity 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 gratuity 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 the concerned Treasury Officer to pay interest to the petitioner at the rate of 8% per annum on the benefits of revised gratuity 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 without any order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)