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13.04.2022
S.B.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19514 of 2021

Gour Chandra Mandal
-versus
The State of West Bengal & Ors.

Mr. Sudipta Maiti
...For the Petitioner.
Mr. Ziaul Islam
Mr. Parikshit Goswami
... for the State

Affidavit-of-service filed in Court today is taken on record.

The petitioner was a Primary School Teacher who retired from service on 30.06.2016. The first Pension Payment Order was issued on 26.05.2016 and the arrear pension was disbursed on 02.08.2016. Under the ROPA Rules, 2019 there was revision of the pension and gratuity amount payable to the petitioner. The revised Pension Payment Order was issued on 06.08.2021 and the arrear revised pension was disbursed on 19.08.2021 in terms of ROPA 2019. The petitioner claims interest on delayed payment of revised gratuity as also revised arrear pension.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

It is settled law that the right of a retired employee to get his retiral dues as and when the same becomes

due and payable. If payment of the retiral dues is delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee.

In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 5% per annum on the revised gratuity and revised arrear pension calculated on and from 14.02.2020 till the date of actual payment, provided the delay caused was not attributable to the petitioner.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

The concerned respondent authority is directed to take appropriate steps in accordance with law against the erring officer(s) for whose fault there has been delay in releasing the retirement benefit to the petitioner.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)