

05.07.2022
RP/Ct. 2
sl no. 53

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

**WPA 1406 of 2022
Minati Barman & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Debajit Kundu
..... for Petitioner
Mr. Bikramaditya Ghosh
Mr. Hirak Barman
..... for State

Affidavit-of-service filed in Court today be kept on record.

The husband of the petitioner no.1, namely, Nishikanta Barman, while serving as a Panchayat Karmi died in harness on August 11, 2018 leaving behind him surviving petitioner no.1, his widow and petitioner no.2, his son as only heiress and heirs. The petitioners allege that there has been a considerable delay in issuing first Pension Payment Order, which was issued only on January 10, 2019. Thereafter, the pension and gratuity amount was revised as per ROPA 2019 and the second Pension Payment Order was issued only on September 6, 2021. The principal gratuity amount and the arrear pension as per the first Pension Payment Order were disbursed only on 1st February, 2019. The revised

gratuity and the revised arrear pension as per the second Pension Payment Order were disbursed on 5th November, 2021.

The petitioners claim interest on delayed payment of principal gratuity and arrear pension amount as well as revised arrear gratuity amount and revised arrear pension amount.

A coordinate Bench of this Court in WPA 10644 of 2022 (Rabi Bhattacharya vs. State of West Bengal & Ors.) passed an order on June 21, 2022 holding that the petitioner is entitled to interest for delayed payment of principal gratuity amount and arrear pension amount as well as revised arrear pension amount and the revised gratuity amount.

The decision in the case of Rabi Bhattacharya (supra) is squarely applies to the facts of the instant case and your petitioners have to be treated on equal footing with that of Rabi Bhattacharya.

Accordingly, WPA 1406 of 2022 is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, Finance Department, Government and West Bengal and the Treasury Officer, Tufanganj, being the respondent nos.2 and 4 respectively, to pay interest at the rate of 8% p.a. on the principal gratuity amount and arrear pension amount calculated on and from February 14, 2020 till the date of payment. Such payment in terms

of the orders is to be made within a period of eight weeks from the date of communication of this order.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition shall be deemed not to have been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)