

18.08.2022
Court No.13
Item No.28
Saswata

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

WPA 2185 of 2022

Bani Jha

VS.

The State Of West Bengal & Ors.

Ms. T. Ghosh

... For the Petitioner.

Affidavit of service file in Court today is taken on record.

The husband of the petitioner was an Assistant Teacher of a high school, who retired on 31.01.2016. The first pension payment order was issued on 07.02.2006. Upon revision of pay under the provisions of ROPA, 2009, the pension payment order towards revised benefits was issued on 13.12.2010. and the benefits of revised arrear gratuity were actually disbursed in favour of the husband of the petitioner on 03.03.2011. The husband of the petitioner died on 03.10.2020.

Learned counsel for the petitioner further submits that the issue of entitlement towards interest for belated disbursement of the benefits of revised gratuity 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 and 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 gratuity 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 and revised gratuity under ROPA 2009 calculated 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 these observations, the writ petition is disposed of.

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

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)