

23.08.2022
Sl. No.32
ap

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2258 of 2022

Sikha Ghosh
-Vs-
The State of West Bengal & Ors.

Mr. Anirban Chakraborty.
... .. for the petitioner

Affidavit of service filed in court today is 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 petitioner retired from the post of Primary School Assistant Teacher on 31.10.2007 and the first pension payment order was issued on 17.10.2007. Upon revision of pay under the provisions of ROPA Rules, 2009, the pension payment order towards revised benefits was issued on 01.09.2011 and the benefits of revised arrear were actually disbursed in favour of the husband petitioner on 02.12.2011. The husband of the petitioner died on 31.10.2016.

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 parties 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 the concerned Treasury Officer to pay interest to the petitioner at the rate of 9% per annum on the benefits of revised arrear pension amount 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, the writ petition is disposed of.

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.)

