

Ct. 20.01
No. 14 2023
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W.P.A. 1325 of 2023
Padma Duley
-Versus-
State of West Bengal & Ors.

Mr. Krishna Pada Santra
Ms. Arpita Saha

...For the Petitioner

Mr. Nara Narayan Ganguly

...For the State

Affidavit-of-Service filed on behalf of the petitioner be taken on record.

The petitioner's husband Gopal Chandra Duley was a Librarian of The Mayta Library, Vill. & P.O. Mayta, P.S. Goaltore, District – Paschim Medinipur, who died in harness on July 27, 2007. After his death, the first pension payment order was issued by the authority concerned on 21st February, 2008. Under the ROPA Rules, 2009 there was revision of the pensionary amount payable to the petitioner. The revised pension payment order was issued on July 20, 2010 and revised gratuity and revised arrear pension amount was disbursed on 06.12.2010 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of revised gratuity amount and revised arrear pension.

The petitioner's case is that though her husband died on 27th July, 2007, she received payment of gratuity and pensionary benefits on 21st February, 2008 and while ROPA 2009 was implemented, she received the revised gratuity amount and pensionary benefits in terms of the revised pension payment order on 6th December, 2010. Hence, she seeks a direction upon the concerned authority to pay interest to her for the belated payment of gratuity and pensionary benefits in terms of the first pension payment order from July 28, 2007 and in terms of the revised pension payment order with regard to ROPA 2009 from 01.6.2009 till the

actual payment was made.

Learned Counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and pensionary amount is her property. He further submits that as per the Nationalised Savings Scheme for senior citizens, any deposit is made by a senior citizen now carries interest at the rate of 8% p.a. He further submits that had the petitioner received her pensionary benefits in time, the amount, which she would have received, would carry interest at the rate of 8% p.a. As such learned Counsel for the petitioner prayed for interest at the rate of 8% p.a.

Having heard learned counsels appearing for the respective parties and on consideration of the documents annexed to the writ petition, I feel that the writ petition may be disposed of by passing the following direction.

Accordingly, the concerned respondent, especially the third respondent – the Treasury Officer, Midnapore, P.O. 7 P.S. Midnapore, District – Paschim Medinipur – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and pensionary benefits in terms of the first pension payment order from July 28, 2007 and in terms of the revised pension payment order with regard to ROPA 2009 from 01.6.2009 till the date of actual payment, within six weeks from the date of communication of this order.

With the aforesaid direction, WPA No. 1325 of 2023 stands disposed of. No order as to costs.

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

Urgent photostat copy of the order, if applied for, be

supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)