

31-01-2023
Item No.5
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.1903 of 2023
Nripendra Nath Khilari
-vs-
The State of West Bengal & Ors.

Ms. Sreyasree Choudhury ...for the petitioner

Mr. Rabindra Nath Pa ...for the State

The writ petitioner retired from service on superannuation as a junior library attendant of Chandabila Atalanta Pathagar and Club, Jhargram on September 30, 2018. After his retirement, the first pension payment order was issued by the authority concerned on November 12, 2018. Thereafter, since ROPA 2019 came into force on September 16, 2020, the revised pension payment order was issued on March 25, 2022.

The petitioner's case is that though ROPA 2019 was implemented on September 16, 2020, he received the pensionary benefits in terms of the revised pension payment order on May 2, 2022. Hence he seeks a direction upon the concerned authority to pay interest to him for the belated payment of gratuity and arrear pension.

Learned counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and the pensionary amount is not a bounty of the employer. He also submits that as per the nationalised savings scheme for the senior citizens, any deposit made by a senior citizen now carries interest at the rate of 8% p.a. He further submits that had the petitioner received his pensionary benefits in time, the amount which he would

have received would carry interest at the rate of 8% p.a. As such, learned counsel prays for interest at the rate of 8% p.a. for the belated payment of pensionary amount.

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, Jhargram – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and arrear pension from September 16, 2020 till the date of final payment, within six weeks from the date of communication of this order.

With the aforesaid direction, WPA No.1903 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.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]

