

03-02-2023
Item No.10
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.2186 of 2023
Laxmi Pal & Ors.

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunia)	
Mr. Sudip Sarkar	...for the petitioners
Mr. Rabindra Nath Pal	...for the State

The writ petitioners are the wife and two daughters of the employee who died-in-harness on October 23, 2007 as a librarian of Sukanta Pathagar, Bardabar, Howrah. After the death of the concerned employee, the first pension payment order was issued by the authority concerned on October 9, 2009. Thereafter, since ROPA 2009 came into force, the revised pension payment order was issued on February 16, 2015.

The petitioners' case is that though the concerned employee died on October 23, 2017, they received payment of his pensionary benefits on December 6, 2009 and while ROPA 2009 was implemented, they received the further pensionary benefits in terms of the revised pension payment order on May 9, 2015. Hence they seek a direction upon the concerned authority to pay interest to them for the belated payment of gratuity and arrear family pension.

Learned counsel appearing for the petitioners submits that getting the pensionary benefits is the legal right of the petitioners and that the pensionary amount is not a bounty of the employer. He further 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 petitioners received their pensionary benefits in time, the amount which they 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 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, Uluberia, Howrah – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and arrear family pension in terms of the first pension payment order from October 23, 2007 and in terms of the revised pension payment order with regard to ROPA 2009 from the date of implementation of ROPA 2009 till the date of final payment, within six weeks from the date of communication of this order.

With the aforesaid direction, WPA No.2186 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]

