16-02-2023
Item No.6
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.3020 of 2023
Asutosh Garain
-vs-
The State of West Bengal & Ors.

Ms. Arpita Saha
Mr. Sudip Sarkar ...for the petitioner

Ms. Tanusri Palchawdhuri ...for the State

The writ petitioner retired from service on superannuation as a librarian of Lagda Satya Sankar Pathagar, Purulia on September 30, 2019. After his retirement, the first pension payment order was issued by the authority concerned on December 2, 2019. 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 he retired on September 30 2019, he received payment of his pensionary benefits on February 9, 2020 and while ROPA 2019 was implemented on September 16, 2020, he received the further pensionary benefits in terms of the revised pension payment order on March 25, 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 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 petitioner received his pensionary benefits on 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, Purulia – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and arrear pension in terms of the first pension payment order from October 1, 2019 and in terms of the revised pension payment order with regard to ROPA 2019 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.3020 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]