

14.03.2023
SL. No.28(DL)
Court No.19
srn

W.P.A. No. 5651 of 2023

**Mainul Hoque
Versus
The State of West Bengal & Ors.**

Mr. Sudip Sarkar

...for the Petitioner.

Mr. Razzak Hossain

...for the State-respondents.

Affidavit of service filed in Court today is taken on record.

The petitioner was an Executive Assistant of Birnagar II Gram Panchayat, District-Malda, who retired from service on 30.11.2016. The pension Payment Order was first issued on 05.01.2017 and after introduction of ROPA, 2019, revised pension payment order was issued on 16.03.2021. The petitioner received the retirement benefits on 16.03.2021 on the basis of ROPA 2019.

The grievance of the petitioner is that interest on the delayed payment of arrear pension and revised gratuity has not been paid.

Upon considering the order of the Hon'ble Division Bench of this Court dated August 14, 2013 in MAT 1118 of 2013 read with the circular dated June 25, 2002 issued by the Joint Director of Treasuries and Accounts, West Bengal, there cannot be any dispute with regard to the entitlement of interest on delayed payment of revised gratuity and

revised arrear pension. Thus, in this case as well, the same principle will apply.

In view thereof, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay to the petitioner interest on the revised arrear pension as also the revised gratuity @ 8% per annum from the date of entitlement, to the revised arrear pension and the revised gratuity as per ROPA, 2019 till the date of actual payment of the revised arrear pension and gratuity. Such payment shall be made within 12 weeks from the date of service of an authenticated copy of this order.

Needless to mention that before any disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant, who is before this Court.

With the aforesaid observation and directions, this writ application stands disposed of.

There will, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(Shampa Sarkar, J.)