

13.12.2023
Court No. 13
Item No. 356
SM

WPA 9026 of 2021

Dilip Kumar Patra
Vs.
The State of West Bengal & Ors.

Mr. Manarajnan Sahu,

... For the Petitioner.

1. The instant writ petition has been preferred challenging the impugned denial of the respondents to pay interest for belated disbursement of the revised benefits of gratuity and arrear pension under the provisions of the Revision of Pay and Allowances Rules, 2009 (hereinafter referred to as the ROPA, 2009) as well as interest on gratuity and arrear pension on the basis of first pension payment order.
2. Counsel appearing for the petitioner submits that the petitioner retired from the post of Assistant Teacher of Uttar Chandi F.P. School, South 24 Parganas on 31.05.2006 and the first pension payment order was issued on 31.08.2006 and the gratuity amount and arrear pension was disbursed on 13.09.2006. Upon revision of pay under the provisions of ROPA, 2009 the pension payment order towards revised benefits was issued and the revised

pension payment order issued on 06.02.2013. The benefits of revised gratuity and arrear pension were actually disbursed in favour of the petitioner on 15.04.2013. The petitioner claims interest on delayed payment of revised gratuity and arrear pension.

3. Counsel for the petitioner further submits that the issue of entitlement towards interest for belated disbursement of the benefits of revised gratuity is no longer res integra and in identical matters, this Court has directed payment of interest for belated disbursement of the benefits of revised gratuity on and from May 19, 2009. In support of such contention reliance has been placed upon a Government Order dated October 21, 2013.
4. Heard counsel on behalf of the petitioner and considered the materials on record.
5. In an identical matter, the Court has directed payment of interest for belated disbursement of the benefits of revised gratuity under ROPA, 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits and as upon acceptance of such direction of the Hon'ble Court, the State authorities have issued the Government Order dated October 21, 2013, question of denial of interest to the

petitioner does not occasion and in the said conspectus of facts and as the delay pertaining to disbursement of the revised benefits of gratuity is not attributable to the petitioner, I am of the opinion that the petitioner is entitled to interest for belated disbursement of the benefits of revised gratuity and arrear pension under ROPA 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits.

6. Accordingly, this Court directs the respondents, particularly concerned Treasury Officer to pay interest to the petitioner at the rate of 8% per annum on the benefits of revised gratuity and arrear pension under ROPA 2009 calculated on and from May 19, 2009 till the date of actual disbursement of such benefits to the petitioner within a period of ten weeks from the date of communication of this order.
7. With the above observations, this writ petition is disposed of without any order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

(Rajasekhar Mantha, J.)