

Ct. 17.04
No. 14 2023
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W.P.A. 8439 of 2023
Durgadas Layek
-Versus-
The State of West Bengal & Ors.

Mr. Banshi Badan Maity

...For the Petitioner

Affidavit-of-Service filed on behalf of the petitioner be taken on record.

Despite service of notice, none appears on behalf of the State respondents.

The writ petition is taken up for hearing in absence of the State respondents.

The writ petitioner retired from service on superannuation as a Librarian of Lakshmanpur Sukanta Pathagar, P.O. Bankura, District – Bankura on July 31, 2017. After his retirement, the first pension payment order was issued by the authority concerned on 26.7.2017. Thereafter, when ROPA 2019 came into force on September 16, 2020, the revised pension payment order was issued on July 04, 2022.

The petitioner's case is that though ROPA 2019 was implemented on September 16, 2020, he received the gratuity amount and revised arrear pensionary benefits in terms of the revised pension payment order on August 03, 2022. Hence he seeks a direction upon the concerned authority to pay interest to him for the belated payment of revised gratuity and arrear pension amount.

Learned Counsel appearing for the petitioner submits that getting the pensionary benefits is the legal right of the petitioner and pensionary amount is his property. He further

submits that as per the Nationalised Savings Scheme for senior citizens, any deposit is 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 for the petitioner prays for interest at the rate of 8% p.a.

Having heard learned counsel 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, Khatra, P.O. Khatra, District – Bankura – is directed to pay interest at the rate of 8% p.a. on the delayed payment of revised gratuity amount and arrear pensionary benefits 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. 8439 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.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(Rabindranath Samanta, J.)