

28 08.8.2023
Sc Ct. no.22

WPA 8110 OF 2019

Parimal Chandra Nandy

Vs.

State of West Bengal & Ors.

Mr. Ajay Barman Ray
Ms. Krishna Yadav.

....For Petitioner

Affidavit-of-service, filed in Court, is taken on record.

The previous order speaks for itself.

Today the writ petition appeared under the heading "**For Dismissal**".

Today also none appeared for the respondents.

Pursuant to the leave granted by a coordinate Bench on **August 18, 2019**, the petitioner prays for leave to file supplementary affidavit which was affirmed on **September 11, 2019**, the same is taken on record.

Considering the issue involved in this writ petition and considering the fact that, the petitioner had retired around eleven years back, no useful purpose shall be served by keeping this writ petition pending any further. As such, the writ petition is taken up for consideration and disposal.

The petitioner was an approved **Assistant Teacher** at **Patulia High School, District – North 24-Parganas**. He had retired from his employment on **30.9.2012**.

The **Pension Payment Order** was issued by the concerned respondent on **01.7.2013**. The petitioner had received **Pension Payment Order** on **23.9.2013**. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid.

The **petitioner now claims interest for the delayed payment of the said arrear pension on and from 01.10.2012**.

None appears for the State.

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and/or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the **arrear pension @ 8% per annum on and from the date of retirement till the date of actual payment** being received by the petitioner in terms of the **Pension Payment Order**.

The entire exercise as directed above, shall be carried out and completed positively by the respondents and/or the **Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer** within a period of **eight weeks** from the date of communication of this order. **In default**, the said arrear

amount and the entitlement of the petitioner shall carry an ***additional interest of 2% per annum*** till the date the petitioner actually receives the same.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being ***WPA 8110 of 2019*** stands ***disposed of***, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)