

11-05-2023
Item No.8
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.11025 of 2023
Shyamali Bhandari
-vs-
The State of West Bengal & Ors.

Mr. Banshi Badan Maity ...for the petitioner

Mr. Biswsajit Dutta ...for the State

The writ petitioner retired from service on superannuation as a librarian of Stalin Einstein Satbarsiki Smarak Pathagar, Diamond Harbour on December 31, 2017. After her retirement, the first pension payment order was issued by the authority concerned on July 20, 2018. Thereafter, since ROPA 2019 came into force on September 16, 2020, the revised pension payment order was issued on March 3, 2022.

The petitioner's case is that though ROPA 2019 was implemented on September 16, 2020, she received the pensionary benefits in terms of the revised pension payment order on April 10, 2022. Hence she seeks a direction upon the concerned authority to pay interest to her 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 the pensionary amount is not a bounty of the employer. He also 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 her 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 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, Diamond Harbour – is directed to pay the petitioner interest at the rate of 8% p.a. on the delayed payment of gratuity and arrear pension 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.11025 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]

