

**21-06-2023**  
Item No.12  
**Subrata**  
**Bhattacharyya**

**IN THE HIGH COURT AT CALCUTTA**  
Constitutional writ Jurisdiction  
Appellate Side

**WPA No.14312 of 2023**  
**Prasanta Kumar Dey**  
**-vs-**  
**The State of West Bengal & Ors.**

Ms. Arpita Saha ...for the petitioner

Mr. Barun Chatterjee ...for the State

Leave is granted to advocate-on-record for the petitioner to correct the date of receipt of the arrear pensionary amount on paragraph 5 of the writ petition.

The writ petitioner retired from service on superannuation as a librarian of Swami Vivekananda Seva Samity Library, Natagar, North 24 Parganas on March 31, 2017. After his retirement, the first pension payment order was issued by the authority concerned on November 10, 2017. Thereafter, since ROPA 2019 came into force on September 16, 2020, the revised pension payment order was issued on September 20, 2021.

The petitioner's case is that though he retired on March 31, 2017, he received payment of his pensionary benefits on January 6, 2018 and while ROPA 2019 was implemented on September 16, 2020, he received the further pensionary benefits in terms of the revised pension payment order on September 22, 2022. Hence he seeks a direction upon the concerned authority to pay interest to him 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 that the pensionary amount is not a bounty

of the employer. He further 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 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 prays for interest at the rate of 8% p.a. for the belated payment of pensionary amount.

Learned counsel for the State submits that the petitioner has directly approaching this court by way of this writ petition before making any representation to the authority concerned. In such context, he submits that the petitioner's prayer should not be entertained at this stage.

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, Barrackpore-II – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and arrear pension in terms of the first pension payment order from April 1, 2017 and in terms of the revised pension payment order with regard to ROPA 2019 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.14312 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]