

27 20.01.2023
Sc Ct. no.22

WPA 28212 OF 2022

Md. Humayun Kabir

Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

....For Petitioner

Ms. Aishwarya Jayshree

....For the State

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

The petitioner was an approved **Assistant Teacher** at **Joyenpur High Madrasah, District – Malda**. He had retired from his employment on **January 31, 2018**.

The **Pension Payment Order** was issued by the concerned respondent on **March 22, 2018** and **ROPA** part was issued on **August 17, 2021**.

Under **ROPA Rules, 2019**, there was a revision of Pension, Gratuity and computation of Pension of the pensioners under the **Government Notification /Memorandum bearing No.53/ES/P/P&B/10M-99/2019 dated February 14, 2020** and the revised **Pension Payment Order** of the petitioner under **ROPA, 2019** was issued on **August 17, 2021**.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from February 14, 2020**.

Ms. Aishwarya Jayshree, learned advocate appears for the State/respondents.

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 **revised gratuity** and on **arrear pension @ 8% per annum** on and from **February 14, 2020** till the date of actual payment being received by the petitioner in terms of the **revised 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 amounts 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 28212 of 2022** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)