Ct. No. 14

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2023

W.P.A. 28231 of 2022
Subal Chakraborty
–Versus-
State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra **...For the Petitioner**

Ms. Anima Das Chakraborty **...For the State**

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

The writ petitioner retired from service on superannuation as a Librarian of Piplon Ramkrishna Sangha Pathagar, Vill. & P.O. Piplon, Purba Bardhaman on April 30, 2017. After his retirement, the first pension payment order was issued by the authority concerned on October 30, 2017. Thereafter, after ROPA 2019 came into force on September 16, 2020, the revised pension payment order was issued on February 22, 2022.

The petitioner's case is that though he retired on April 30, 2017, he received payment of his gratuity amount and pensionary benefits on December 27, 2017 and while ROPA 2019 was implemented on September 16, 2020, he received the further pensionary benefits in terms of the revised gratuity amount and revised pensionary benefits on March 07, 2022. Hence he seeks a direction upon the concerned authority to pay interest to him for the belated payment of gratuity and pensionary benefits as also revised gratuity and revised 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 prayed for interest at the rate of 8% p.a.

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, P.O. and P.S. Kalna, Purba Bardhaman – is directed to pay interest at the rate of 8% p.a. on the delayed payment of gratuity and pensionary benefits in terms of the first pension payment order from November 01, 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. 28231 of 2022 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.)