

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 665 OF 2023

22 05.4.2023
Sc Ct. no.2

Bhakta Das Saha

Vs.

The State of West Bengal & Ors.

Mr. Subhajyoti Das

....For Petitioner

Mr. Bikramaditya Bose

Ms. Bedashruti Bose.

....For the State

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

Mr. Bikramaditya Ghosh, learned counsel appeared for the State.

The petitioner was an approved **Assistant Teacher at Khawar Tari Primary School, District – Alipurduar**. He had retired from employment on **30.11.2007**.

The **Pension Payment Order** was issued by the concerned respondent on **08.1.2008** and **ROPA** part was issued on **25.5.2012**.

Under **ROPA Rules, 2009**, there was a revision of Pension, Gratuity and computation of Pension of the pensioners under the **Government Notification /Memorandum bearing No.73/ES(B) IM-4/2009 dated May 19, 2009** and the revised

Pension Payment Order of the petitioner under ***ROPA, 2009*** was issued on ***20.1.2013***.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension ***on and from May 19, 2009***.

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 entitled 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 ***revised 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 665 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)