11-04-2023
Court No.2
Sh/38.

In The High Court At Calcutta
Jalpaiguri Circuit Bench

W.PA. 711 of 2023

Sukumar Chandra Sarkar
-Vs-
The State of West Bengal & Ors..

Mr. Krishna Pada Santra.
..For the Petitioner.
Mr. Subir Kumar Saha,
Mr. Pretom Das.
.. For the State.

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

The petitioner was an approved **Assistant Teacher** at **Langulia II Baneswari Adided 1st Phase Primary Schlol, District Cooch Behar**. He had retired from **his** employment on **December 31, 2018**.

The pension payment order was issued by the concerned respondent on **June 3, 2019** and ROPA part was issued on **December 7, 2021**

Under **ROPA Rules, 2019**, there was a revision of Pension, Gratuity and computation of Pension of the pensioner 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 **December 7, 2021** at page 14 to the writ petition.

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

Mr. Subir Kumar Saha, 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 711 of 2023** stands disposed of, without any order as to costs.

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

(ANIRUDDHA ROY, J.)