25
12.04.2023
SB
Ct. No. 2

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 748 of 2023

Sampad Kumar Chanda
-versus-
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

...For Petitioner

Mr. Hirak Barman
Mr. Momenur Rahman
... For the State

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

The petitioner was an approved **Head Master** at **Salmara Part No. II C.S. Primary School, District – Cooch Behar**. He had retired from his employment on **31.10.2018.**

The ***Pension Payment Order*** was issued by the concerned respondent on **04.9.2018** and ***ROPA*** part was issued on **24.12.2021.**

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/10M99/2019** ***dated February 14, 2020*** and the revised ***Pension Payment Order*** of the petitioner under ***ROPA, 2019*** was issued on ***24.12.2021*** at page 14 to the writ petition.

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

Mr. Hirak Barman, learned counsel appeared 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 ***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 748 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**.)