

03.10.2023
Court No.1
Item No.37
pk/AP

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

WPA 2292 of 2023

**Aswini Kumar Roy
Vs.
The State of West Bengal and Ors.**

Mr. Anirban Chakraborty

... For the Petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman

... For the State.

Affidavit of service filed in Court today be
kept with the record.

The instant writ petition has been preferred
challenging the impugned denial of the respondents
to pay interest for belated disbursement of the
revised benefits of gratuity under the provisions of
the Revision of Pay and Allowances Rules, 2009
(hereinafter referred to as the ROPA, 2009).

Learned counsel appearing for the petitioner
submits that the petitioner retired from the post of
high school Assistant Teacher on 31.01.2009 and
the first pension payment order was issued on
18.06.2009. Upon revision of pay under the
provisions of ROPA, 2009 the pension payment
order towards revised benefits was issued on
02.01.2012 and the benefits of revised gratuity and

arrear pension were actually disbursed in favour of the petitioner on 04.04.2012.

Learned counsel for the petitioner further submits that the issue of entitlement towards interest for belated disbursement of the benefits of revised gratuity is no longer *res integra* and in identical matters, this Court has directed payment of interest for belated disbursement of the benefits of revised arrear on and from May 19, 2009. In support of such contention reliance has been placed upon a Government Order dated October 21, 2013.

Heard learned counsel appearing on behalf of the petitioner and considered the materials on record.

In an identical matter, the Court has directed payment of interest for belated disbursement of the benefits of revised gratuity under ROPA, 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits and as upon acceptance of such direction of the Hon'ble Court, the State authorities have issued the Government Order dated October 21, 2013, question of denial of interest to the petitioner does not occasion and in the said conspectus of facts and as the delay pertaining to disbursement of the revised benefits of gratuity is not attributable to the

petitioner, I am of the opinion that the petitioner is entitled to interest for belated disbursement of the benefits of revised gratuity under ROPA, 2009 on and from the date of retirement till the date of actual disbursement of such benefits.

Accordingly, this court directs the respondents, particularly concerned Treasury Officer to pay interest to the petitioner at the rate of 8% per annum on the benefits of revised gratuity and arrear pension amount under ROPA, 2009 calculated on and from May 19, 2009 till the date of actual disbursement of such benefits to the petitioner within a period of ten weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)