

04.10.2023
Court No.1
Item No.35
pk/AP

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

WPA 2329 of 2023

**Kanti Bhagat (Minj) and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Anirban Chakraborty

... For the Petitioners.

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 arrear under the provisions of
the Revision of Pay and Allowances Rules, 2009
(hereinafter referred to as the ROPA, 2009).

Learned counsel appearing for the
petitioners submits that the husband of the
petitioner No.1 died-in-harness on 20.06.1999 and
the first pension payment order was issued on
24.07.2001. Upon revision of pay under the
provisions of ROPA, 2009 the pension payment
order towards revised benefits was issued on
11.12.2012 and the benefits of revised gratuity and

arrear were actually disbursed in favour of the petitioners on 05.03.2013.

Learned counsel for the petitioners further submits that the issue of entitlement towards interest for belated disbursement of the benefits of revised arrear is no longer *res integra* and in identical matters, this Court has directed payment of interest for belated disbursement of the benefits of revised gratuity and 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 petitioners 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 petitioners does not occasion and in the said conspectus of facts and as the delay pertaining to disbursement of the revised benefits of arrear is not attributable to the

petitioners, I am of the opinion that the petitioners are entitled to interest for belated disbursement of the benefits of revised gratuity and arrear under ROPA, 2009 on and from May 19, 2009 till the date of actual disbursement of such benefits.

Accordingly, this court directs the respondents, particularly concerned Treasury Officer to pay interest to the petitioners at the rate of 9% per annum on the benefits of revised gratuity and arrear pension under ROPA, 2009 calculated on and from May 19, 2009 till the date of actual disbursement of such benefits to the petitioners 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.)