

05.10.2023
Court No.1
Item No.23
pk/AP

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

WPA 2353 of 2023

Upendra Kumar Rai

Vs.

The State of West Bengal and Ors.

Mr. Anirban Chakraborty

... For the Petitioner.

Mr. Hirak Barman

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
31.10.2006 and the first pension payment order
was issued on 13.11.2006. Upon revision of pay
under the provisions of ROPA, 2009 the pension
payment order towards revised benefits was
issued on 04.11.2013 and the benefits of revised

gratuity and arrear pension were actually disbursed in favour of the petitioner on 24.12.2013.

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.)