

October 09, 2023
ARDR (20)

WPA 2415 of 2023

Md. Yeakub Ali
Vs.
The State of West Bengal & Ors.

Adv. Sukanya Adhikary,
...for the petitioner.
Adv. Subir Kumar Saha, Ld. AGP,
Adv. Debashruti Bose,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

The writ petitioner was an Executive Engineer of Jalash Nijam Tara Gram Panchayat, who retired from his service on 31st January, 2016. His all retiral benefits have already been paid and Pension Payment Order was issued on 16/6/2016. However, no interest was added with the gratuity amount and arrear pension amount under ROPA 2009 from the date of retirement of the petitioner to till date of actual payment. Petitioner prays for interest as aforesaid.

Ms. Debashruti Das, learned advocate represents the State respondents raised objection to such prayer and submits that if such writ petition is allowed then interest may be considered @ 6 %.

Petitioner is entitled to get interest in view of catena of decisions of the Hon'ble Supreme Court and our High Court. Accordingly, the Director, Pension, Provident Fund and Group Insurance, West Bengal and the concerned Treasury Officer are directed to pay

interest @ 6% on the gratuity amount and arrear pension amount under ROPA 2009 in terms of Pension Payment Order dated 16/6/2016 till the date of actual payment. The said payment shall be made within eight weeks from the date of communication of this order.

There shall be, however, no order as to costs.

Since no affidavit exchanged between the parties the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Ajay Kumar Gupta, J.)