

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18031 of 2024

**Niyati Barik
-versus
The State of West Bengal & Ors.**

**Mr. Kalyan Kumar Panda
Mr. Uttam Kumar Ray
...For the Petitioners.**

**Mr. Chandan Mishra
... For the State.**

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

A report has been filed by the District Inspector of Schools (Primary Education), Hooghly signed on 30th July, 2024. It appears that there has been delay in issuance of the Pension Payment Order.

The husband of the petitioner was a Head Teacher. He retired from service on 30.04.2016. The husband of the petitioner died on 27.04.2019. The first Pension Payment Order was issued on 18.07.2016 and the arrear pension was disbursed on 30.10.2016. Under the ROPA Rules, 2019 there was revision of the pension and gratuity amount payable to the petitioner. The revised Pension Payment Order was issued on 10.02.2021 and the arrear revised pension was disbursed on 22.06.2021 in terms of ROPA 2019. The petitioner claims interest on delayed payment of revised gratuity as also revised arrear pension.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

It is settled law that the right of a retired employee to get his retiral dues as and when the same becomes due and payable. If payment of the retiral dues is delayed the retired employee is surely entitled to get some interest for such delayed payment.

In the present case, it was the bounden duty of the State to disburse the pension amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 7% per annum on the revised gratuity and revised arrear pension calculated on and from the due date till the date of actual payment.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)