

08.03.2024.
Item No. 224.
Court No.13
ap

CPAN 1038 of 2023
In
W.P.A. No. 15122 of 2021
With
I.A. No. CAN 2 of 2023

Sandwip Kumar Bhattacharya
Versus
Mr. Anup Sengupta, The Director of School
Education (SE) & Ors.

Mr. Animesh Mukherjee,
Md. Ali Ahasan.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey,
Mr. Nilay Baran Mandal.

...For the alleged contemnors.

1. The petitioner claims that the respondents have committed contempt of the order dated 22nd July, 2022 passed by this Court.
2. By the said order, the respondents were asked to pay interest on the total sum of terminal benefits of Rs.38,32,789/-. The petitioner has received interest on arrear of pension and gratuity but claims interest on the commuted value of pension of Rs.20,53,089/-.
3. Admittedly all the dues of the petitioner including interest were paid on 21st January, 2021.
4. The petitioner cannot claim a double benefit i.e. interest the delay on the arrears of pension as also on the commuted value thereof.

5. In any event, since the commutation of pension is not a matter of right and the petitioner has been paid his arrears of pension, this Court is of the view that the petitioner is not entitled to interest on commuted value of pension albeit applied for in time but paid at a later stage.

6. The order dated 22nd July, 2022 to the extent that it directs interest of 7% on the sum of Rs.38,32,789/- to include the commuted value of pension of Rs.20,53,089/- would stand modified.

7. On the balance amount the petitioner has been paid interest @ 7%. Since payment has been made on the arrears of pension and gratuity beyond the period of one month, the petitioner shall be entitled to additional 2% interest only on the arrears of pension and gratuity which shall be released in favour of the petitioner within a period of one week from date by the concerned Treasury Officer without any demur.

8. In default, the Treasury Officer shall be liable to be proceeded against departmentally by his Appointing Authority.

9. In that view of the matter, CPAN 1038 of 2023 shall stand disposed of.

10. In view of the disposal of contempt application, the connected application being CAN 2 of 2023 shall also stand disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)