

18.11.2024
Court No. 18
Item No. 116 (ML)
(Suvendu)

WPA 21527 of 2023

Swapan Kumar Pahari
-Versus-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
.....for the petitioner

Mr. Avijit Sarker
Ms. Mita Bag
.....for the State

Matter is heard in presence of learned advocates representing the petitioner and State respondents.

By presenting this writ petition, petitioner has prayed for release of revised gratuity in terms of revised Pension Payment Order dated 10th November, 2020 and grant of interest on revised gratuity due to delayed payment. Petitioner was a Headmaster in a Government aided school who retired on superannuation on 28th February, 2019 and Pension Payment Order was issued on 15th February, 2019. In terms of Pension Payment Order dated 15th February, 2019, benefits including pension were released in favour of the petitioner. However, petitioner

was entitled to get benefit of consolidation of pension and gratuity in terms of ROPA 2019 Rules. On completing exercise of consolidation of pension and gratuity, revised Pension Payment Order was issued on 10th November, 2020 but contemporaneously after issuance of revised Pension Payment Order revised gratuity was not released in favour of the petitioner which prompted petitioner to approach this Court with the present writ petition claiming release of revised gratuity along interest expeditiously.

During pendency of this writ petition, gratuity in terms of revised Pension Payment Order dated 10th November, 2020 has been released. Petitioner is claiming interest on revised gratuity due to delayed payment.

Learned advocate representing State respondents has opposed the prayer of the petitioner to grant interest on revised gratuity due to delayed payment and has submitted since revised gratuity has been released in favour of the petitioner on 10th February, 2024 in terms of previous order of the Coordinate Bench dated 5th February, 2024 petitioner is not entitled to get interest. It is further submitted once order dated 5th February, 2024 passed by

the Coordinate Bench is complied with by releasing revised gratuity petitioner has no right to claim interest.

Having considered the submissions made on behalf of the parties and taking note of the facts of the present case, it appears that undisputedly after issuance of revised Pension Payment Order dated 10th November, 2020 revised gratuity was released on 10th February, 2024 and as such there is delay in releasing revised gratuity which cast obligation upon State authorities to pay interest on revised gratuity amount only.

Hence, concerned State respondents are directed to pay interest @ 8% per annum on revised gratuity in terms of revised Pension Payment Order from the date following the date of issuance of revised Pension Payment Order till the date of release of revised gratuity amount within a period of eight weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)