

19.02.2024
BD/Ct. 02
sl no. 75

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

W.P.A. 262 of 2024

Santabir Basumata

-vs-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty

....for the petitioner.

Mr. Momenur Rahaman

Mr. Sourav Sarkar

....for the State.

Affidavit of service filed in Court today is
kept with the record.

Petitioner is a retired teacher who
superannuated on 31st August, 2006. On
superannuation of the petitioner first pension
payment order was issued on 18th August, 2006
and as per the first pension payment order
disbursement of retiral dues were made in
favour of the petitioner. Subsequently, due to
revision of pay as per ROPA 2009 revised
pension payment order was issued on 5th
December, 2012. Petitioner claims interest on
revised gratuity as per revised pension payment
order.

State respondents are represented by
learned advocates.

With regard to delay made by the petitioner in approaching this Court reliance is placed on the judgment of the Apex Court reported in **(2008) 8 SCC 648 (Union of India – vs- Tarsem Singh)**. It is also taken note of that there is no accrual of third party interest in the present case therefore in the event this writ petition is allowed interest of third party will not be affected.

Accordingly, the Director of Pension, Provident Fund and Group Insurance, West Bengal, and the concerned Treasury Officer is directed to pay interest @ 8% p.a. on revised gratuity as per revised pension payment order from 19th May, 2009 till the date of actual disbursement of revised gratuity amount in favour of the petitioner, within a period of eight weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)