

Item No.47
20.06.2024
Court. No. 2
SRM

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

W.P.A. No. 1240 of 2024

Shiv Shankar Thakur
VS
The State of West Bengal & Ors.

Mr. Subhajyoti Das

...for the Petitioner.

*Mr. Pretom Das,
Mr. Pradip Sarkar*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner seeks interest on arrears of pension from the date of refund of the government contribution till the date of actual payment of arrear pension. According to the petitioner, he retired from service on superannuation on January 31, 2010. The petitioner initially exercised option under the contributory provident fund cum gratuity. After the decision of the High Court, the petitioner opted to switch over from CPF to GPF and refunded the entire government share of provident fund along with interest.

The petitioner was getting regular pension with effect from September 29, 2014, but the arrear pension had not been paid from the date of superannuation. On the order of the High Court, the petitioner received arrear pension on February 28, 2024. Although the petitioner had switched

over from CPF to GPF and refunded the government share of provident fund along with interest, the interest on the delayed payment of arrear pension had not been paid to the petitioner.

The petitioner relies on a decision of the coordinate Bench in the matter of Nimai Charda Kole versus The State of West Bengal and Ors. Passed in WPA 10888 of 2024, by which similarly situated persons were allowed interest at the rate of 8% per annum from November 1, 2019 till the date of issuance of Pension Payment Order on all arrear pension.

Under such circumstances, I do not find any reason as to why the petitioner should not be paid the interest as claimed. The Director of Pension, Provident Fund and Group Insurance, West Bengal and the concerned Treasury are directed to pay interest to the petitioner on the arrear pension amount for the period from November 1, 2019 till the date of issuance of the PPO for disbursal of arrear pension, that is, February 28, 2024.

The entire exercise shall be completed by the authority including payment within a period of two months from date.

Accordingly, the writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)