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29.01.2024
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 2869 of 2023

**Dilip Kumar Pal
-versus
The State of West Bengal & Ors.**

**Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Subir Kumar Saha, AGP,
Mr. Kumar Shantanu.
...For the State.**

The petitioner was appointed as an Assistant Teacher of a Primary School. He retired from service on 31.03.2018. The first pension payment order was issued on 28.05.2018 and the arrear pension was disbursed on 27.07.2018. 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 29.12.2020 and the arrear revised pension was disbursed on 25.02.2021 in terms of ROPA 2019. The petitioner claims interest on delayed payment of revised gratuity as also 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 and revised 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.

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 arrear pension calculated on and from the due date till the date of actual payment, **provided the delay caused was not attributable to the petitioner.**

The Treasury Officer shall not be obliged to pay interest if the delay was caused on account of any lapse on the part of the teacher.

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.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

The writ petition is disposed of.

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

(Amrita Sinha, J.)