

03.01.2024
Item No.42
gd

WPA/2871/2023
KAMAL CHANDRA BASUNIA
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Debajit Kundu,
Mr. Imdadul Biswas
..for the Petitioner.

Mr. Hirak Barman,
Mr. Sourav Sarkar
..for the State.

Affidavit of service filed in court today is kept on record.

The petitioner was an Assistant Teacher at a Primary School. He retired from service on 30th June, 2017. Under ROPA Rules, 2019 the pension and gratuity amount of the petitioner was revised and, accordingly, revised pension payment order was issued on 19th March, 2021. In terms of the revised pension payment order, the revised gratuity and the revised arrear pension was released in favour of the petitioner on 25th May, 2021.

The petitioner claims interest for delayed payment of revised gratuity and arrear pension.

The learned advocate appearing for the petitioner places reliance upon an order dated 4th July, 2022 in WPA 335 of 2022 in the case of *Kishore Kumar Chettri v. The State of West Bengal & Ors.* Wherein a direction was passed upon the

respondents to pay interest to the petitioner at the rate of 8% per annum on the revised gratuity and revised arrear pension calculated on and from February 14, 2020 till the date of actual payment.

The learned advocate appearing for the State did not produce any decision contrary to the view expressed in *Kishore Kumar Chettri* (supra).

The said decision in the case of *Kishore Kumar Chettri* (supra) is squarely applicable to the case of the petitioner.

In view thereof, WPA 2871 of 2023 is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, being the 2nd respondent and the Treasury Officer, Jalpaiguri-II, being the 3rd respondent to pay interest to the petitioner at the rate of 8% per annum on the revised gratuity and revised arrear pension calculated on and from February 14, 2020 till the date of actual payment. Such payment is to be made positively within a period of eight weeks from the communication of this order.

Since no affidavits have been called for, the allegations contained in the writ petition shall not be deemed to have been admitted by the respondents.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)