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151/CL
24.06.25
Sl-33
Ct.551
(S.R.)

WPA 16548 of 2022

Netai Chandra Paul
v.
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunga)
Mr. Krishna Pada Santra ....for the petitioner.

Mr. Anubrata Santra ... for the State.

Affidavit of service filed by the learned advocate for the petitioner be kept with the record.

Mr. Santra, learned advocate appears for the State Authorities.

The petitioner, who was appointed as an Assistant Teacher in Debandi High School, Debandi, District – Howrah retired from service on November 30, 2007.

After retirement of the petitioner, the first pension payment order was issued in favour of the petitioner on April 28, 2008.

Subsequently, a notification bearing 74-SE(B)/IM-4/2009 dated May 19, 2009 was issued by the School Education Department of the Government of West Bengal, thereby effecting a revision of pension/family pension of "post-01.01.2006 pensioners". In terms of the aforesaid notification, the petitioner's pension and other benefits were revised and a revised pension payment order was issued to the petitioner on June 7, 2013. The petitioner submits that although the arrears of the revised pension along with gratuity were paid to the petitioner, interest thereon was not paid and as such, the petitioner has approached this Court by filing the instant writ petition seeking issuance of a Writ of Mandamus commanding the respondents to pay interest on the delayed payment of gratuity and arrears of pension.

Learned advocate appearing for the State respondents does not oppose the prayer of the petitioner.

It is now well-settled that retirement benefits are not treated as bounty but are the rightful entitlement of retirees from service. It is equally settled that if payment of retiral dues is made belatedly the retiree would be entitled to interest on the belatedly paid retiral dues.

In such view of the matter, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and the concerned Treasury Officer Uluberia are directed to pay interest on the revised gratuity and revised arrear pension at the rate of 8% per annum from the date of notification of the aforesaid Government Order dated May 19, 2009 till the actual date of payment of such revised gratuity and revised arrear pension to the petitioner in terms of the revised pension payment order dated June 7, 2013.

The Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and the concerned Treasury Officer Uluberia shall make payment of such interest @ 8% per annum to the petitioner within a period of twelve weeks from the date of communication of this order.

It is made clear that in default of payment of the amount, as indicated hereinabove, the said amount shall fetch an additional interest of 2% per annum, which shall be payable to the petitioner till the date the petitioner is actually paid all the amounts in terms of this order.

With the above observations, WPA 16548 of 2022 stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)