

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Jay Sengupta

WPA 30515 of 2024

**Hiranmoy Saha
Vs.
The State of West Bengal & Ors.**

For the Petitioner : Mr. Souri Ghoshal
Mr. Sarbojit Mukherjee

For the State :Mr. Manoj Kr. Mondal

Heard on : 15.01.2025

Judgment on : 15.01.2025

Jay Sengupta, J.:

1. This is an application praying for direction upon the respondent authorities to disburse interest amount @ 18% per annum towards the delayed payment of gratuity and other benefits as per Pension Payment Order dated 29.09.2021 from the date of effect of ROPA 2019 till the date of actual payment.
2. Affidavit of service filed by the petitioner is taken on record.

3. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was appointed as Librarian at Sahapur Pragati Pathagar, Sahapur, Malda, he retired on 31.03.2021. But, the first Pension Payment Order was issued by the respondent No. 2 on 29.09.2021. However, arrear pension and gratuity of the petitioner was not released immediately, but on 05.10.2021 which was after the expiry of six months from the date of superannuation. Therefore, he is entitled to receive interest towards the gratuity and arrear pension amount @ 18% per annum till the actual payment. Reliance is placed on orders passed by Co-ordinate Bench of this Court in WPA 22558 of 2022 and WPA 26830 of 2022.
4. Learned counsel appearing on behalf of the respondent No. 2 disputes the allegations and submits that in the event interest is to be paid, at all, the rate cannot be so high as 18% per annum.
5. Heard the learned counsel for the parties and perused the writ petition.
6. It is settled law that pensionary benefit of an employee is not a bounty, but a right.
7. It also appears that there is an admitted delay in payment of such benefits.
8. In view of the above, the respondent No. 2 is directed to pay the interest at the rate of 6% on the delayed payment of pensionary benefits and gratuity to the petitioner from the date of his

retirement i.e., 31.03.2021 till the amount is actually paid to the petitioner.

9. With the above directions and observations this writ petition is disposed of.
10. Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(JAY SENGUPTA, J)

PM