

D/L - 84
03/11/2025
Court. No. 2
Aritra

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

WPA 1995 of 2025

**Buddhadeb Roy
Vs.
The State of West Bengal & Ors.**

Mr. Debajit Kundu

....for the petitioner

Mr. Hirak Barman
Mr. Sumit Kumar

....for the State

Affidavit of service filed in Court today is taken on record.

The writ petitioner served as a Job Assistant of a Gram Panchayat and retired from service on 30.04.2016 upon attaining the age of superannuation. The pension payment order (in short 'PPO') was issued on 05.01.2017. Under ROPA Rules, 2019, the pension and gratuity amount of the petitioner was revised and accordingly a revised PPO was issued on 05.03.2021. Pursuant to the revised PPO, the revised gratuity and revised arrear pension was disbursed in favour of the petitioner on 20.03.2021 in terms of ROPA, 2019.

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

The learned advocate for the State opposes the prayer for payment of interest on such delayed payment as the writ petition is a belated one.

The learned advocate for the petitioner placed reliance upon a decision of a co-ordinate Bench of this Court in **WPA 9787 of**

2022 (Bidyut Koyla vs. Statge of West Bengal & Ors.) passed on June 14, 2022. The coordinate Bench noticed the decision of Hon'ble Supreme Court in the case of **Union of India vs. Tarsem Singh**, reported at **(2008) 8 SCC 648** on the issue of limitation regarding payment of re-fixation of pay and pension wherein it was held that such relief may be granted in spite of delay as the rights of third parties are not in any manner affected thereby.

Relying on such proposition laid down by the Hon'ble Supreme Court, the coordinate Bench held that the petitioner is entitled to interest.

The said decision is squarely applicable to the case of the petitioner.

In view thereof, this writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as well as the Treasury Officer, Jalpaiguri-II being the respondent nos. 2 and 4 herein respectively to pay interest to the petitioner @ 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 date of communication of this order.

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

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)