05.10.2026
Ct. No.652
D/L 07
NMD / Sayan

W.P.A. 11633 of 2025
Subodh Kumar Karan
Vs.
The State of West Bengal & Ors.

Mr. Ashim Kumar Routh,
Mr. Manishka Dhar,
Mr. Subhayan Barik
...for the Petitioner

Mr. Aninda Bhattacharya,
Mr. Palash Bapari
...for the State
Mr. Kunal Ganguly,
Mr. Subhodip Maity
..for the respondent no.7

1. Admittedly in the instant writ petition, the petitioner was not issued any pension payment order after his retirement. The fact remains that the petitioner was superannuated with effect from 30th September, 2023. Immediately after his retirement, the petitioner was not issued any pension payment order, principally on the ground that the petitioner had been drawing excess pay as per an erroneous scale of pay including 3% additional increment.

2. The matter turned into litigation in a writ petition filed by the petitioner, being W.P.A. 26713 of 2023, before this Court. The Court passed an order dated 11th March, 2025, directing that the petitioner would be eligible for pensionary benefits and other dues as per his last drawn salary, which includes the 3% additional increment.

3. Admittedly, after the Court's order as above, the petitioner was issued with the pension payment order on 28th March, 2025.

4. In the instant case, the petitioner submits that it was incumbent upon the respondent authority to immediately issue the pension payment order to the petitioner, subsequent to his superannuation from service.

5. The respondent-authority, upon the superannuation of the petitioner, was under a corresponding obligation to complete the requisite pensionary formalities and issue the Pension Payment Order (PPO) within the time prescribed by the applicable rules, so as to ensure uninterrupted commencement of the pensionary benefits to which the petitioner had become entitled. Pension is not a bounty or a matter of grace dependent upon the discretion of the employer; it is a vested right earned by the employee through past service and is governed by the applicable statutory rules. The Constitution Bench in ***Deokinandan Prasad v. State of Bihar, (1971) 2 SCC 330***, and subsequently in ***D.S. Nakara v. Union of India, (1983) 1 SCC 305***, has made it clear that the right to receive pension flows from the rules and not from the order quantifying or authorising its payment. The subsequent recognition of pensionary benefits as a species of property protected under Article 300-A reinforces the same principle. The issuance of the PPO is, therefore, essentially an administrative act for operationalising an accrued entitlement and cannot be converted into a discretionary device for postponing or withholding such entitlement. The doctrine of earned and accrued pensionary rights, read with the principle that public authorities must act fairly, reasonably and

within the prescribed time in matters affecting retiral benefits, necessarily obliges the respondent to issue the PPO immediately upon superannuation, subject only to such lawful verification or statutory proceedings as may expressly justify withholding any part of the pensionary benefits. In the absence of such statutory authority, no administrative pretext, procedural lapse, inter-departmental correspondence or unexplained delay can furnish a lawful basis for withholding the PPO, particularly when the employee has already rendered the service upon which the entitlement rests. Indeed, the very object of pension being to secure economic sustenance in the post-retirement period, an interpretation or administrative practice which permits the State to postpone its commencement without authority of law would defeat the social-welfare character of the pension scheme and render the substantive right illusory. It appears that the respondent ought to have issued PPO immediately after retirement of the petitioner and could not withhold the same, which by itself is an arbitrary action, even if the respondent would have been of the opinion that the last drawn salary of the petitioner should be less on the basis of some other scale of pay than he drew. The litigation which the petitioner initiated, challenging the inaction by the respondent authority in granting him pension and other dues, emerged only subsequently.

6. In such circumstances, the Court is of the considered view that there have been intentional laches on the part of the respondent authority to

issue the pension payment order immediately after the superannuation of the writ petitioner. Such inaction on the part of the respondent authority entitles the writ petitioner to be duly compensated by way of grant of interest due to late issuance of the pension payment order to him.

7. Hence, this writ petition is disposed of with the direction that the petitioner stands entitled to the grant of interest due to late issuance of the pension payment order to him.

8. Let respondent No. 8 take appropriate steps for calculation of interest to be granted to the petitioner with effect from the subsequent day from the date of his retirement till the date of actual issuance of the pension payment order, at the rate of savings bank interest of a nationalized bank.

9. The said interest amount should be payable within a period of eight weeks from the date of communication of this order.

10. With the directions as above, the instant writ petition is disposed of.

11. All concerned parties shall act in terms of the server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)