

10.02.2026
Sl. No.69
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 18899 of 2025

**Anil Chandra Dey
Versus
The State of West Bengal & Ors.**

Ms. Arpita Saha

...for the Petitioner.

Ms. Mousumi Banerjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for disbursement of interest on delayed payment of revised gratuity and arrear pension amount from the date of effect of ROPA, 2009 till the date of actual payment @ 18% per annum in favour of the petitioner.
3. The petitioner contends that he was an Assistant Teacher in Habibpur Primary School, Habibpur, P.O. G. Bamnia, P.S. Indas, District Bankura. The petitioner retired from service on 30th June, 2007. The first pension payment order was issued on 26th June, 2007 and the revised pension payment order under ROPA, 2009 was issued on 17th May, 2011. The revised gratuity and arrear pension amount was disbursed on 4th August, 2011. However, no interest

on delayed payment of such amount was made to the petitioner. Hence, this writ petition.

4. Ms. Arpita Saha, learned Advocate appearing for the petitioner submits that the petitioner is entitled to interest on revised gratuity and arrear pension amount from the date of effect of ROPA, 2009, i.e. 19th May, 2009 till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Ms. Mousumi Banerjee, learned advocate, who usually appears for the State, is requested to appear in this matter. Let her appointment be regularised by the competent authority.
7. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Ms. Banerjees, learned advocate for the State.
8. Ms. Banerjee, learned Advocate for the State leaves the matter to the discretion of the Court.
9. Though there is delay in making such claim, however, delay *per se* cannot defeat the valuable right of the petitioner. Relief may be granted to the writ petitioner in spite of the delay if it does not affect the right of third parties. (See: ***Union of India vs. Tarsem Singh*** reported in ***(2008) 3 SCC 648***).
10. In terms of ROPA, 2009 the petitioner is entitled to receive the revised gratuity and arrear pension amount from the date of effect of ROPA, 2009, i.e. 19th May, 2009. The revised gratuity and arrear pension is disbursed on 4th August, 2011. As such,

the petitioner is entitled to interest on the aforesaid amount.

11. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent no.3, Treasury Officer, Bishnupur is directed to disburse interest @ 8% per annum on the revised gratuity and arrear pension amount in favour of the petitioner from the date of effect of ROPA, 2009 i.e. 19th May, 2009 till the date of actual payment, within a period of eight weeks from the date of communication of this order.
12. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.2 Director of Pension, Provident Fund and Group Insurance and the respondent no.3, Treasury Officer, Bishnupur, for necessary compliance.
13. With the aforesaid direction, the writ petition being **WPA 18899 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)