

16.02.2026
Sl. No.69(DL)
Ct. No.14
srm

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

W.P.A. No. 19477 of 2025

Sushil Chandra Mandal

Versus

The State of West Bengal & Ors.

Mr. Sudip Sarkar

...for the Petitioner.

Ms. Susnita Saha

...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 from the date of effect of ROPA, 2009 till the date of actual payment @ 18% per annum.
3. The petitioner contends that he was an Assistant Teacher of Sukdevtola Primary School, Batewsartola Sukdevtola P.O. Bhutni, District-Malda. The petitioner retired from service on superannuation on 29th February, 2008. The first Pension Payment Order was issued on 18th February, 2008. The revised Pension Payment Order was issued under ROPA, 2009 on 10th April, 2012. The revised gratuity and arrear pension as per ROPA, 2009 was disbursed to

the petitioner on 3rd June, 2012. However, no interest has been paid. Hence, this writ petition.

4. Mr. Sudip Sarkar, learned Advocate for the petitioner submits that the petitioner is entitled to interest on revised gratuity and arrear pension from the date of effect of ROPA 2009 i.e. 19th May, 2009. He seeks for appropriate orders.
5. Ms. Susnita Saha, learned Advocate for the State leaves the matter to the discretion of the Court.
6. 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 versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
7. From the contentions made in the writ petition, it is found that the petitioner is entitled to revised gratuity and arrear pension under ROPA 2009 with effect from 19th May, 2009. The revised gratuity and arrear pension amount was disbursed to the petitioner belatedly. In view of the above, the petitioner is entitled to receive interest on revised gratuity and arrear pension from date of effect of ROPA 2009.
8. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Malda-I, Malda are directed to disburse the interest @ 8% per annum on

the revised gratuity and arrear pension from the date following the date of retirement of the concerned employee till the date of actual payment. Such payment is to be made within a period of eight weeks from date of communication of this order.

9. Learned advocate for the petitioner is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Malda-I, Malda, for necessary compliance.
10. With the above direction, the writ petition being **WPA 19477 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)