

24.03.2026
Sl. No.35
Ct. No.14
gd

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

WPA/20998/2025
KANAILAL JANA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Ms. Lipika Chatterjee

...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 to disburse interest on delayed payment of revised arrear pension from the date of effect of ROPA 2009 till the date of actual payment.
3. The petitioner contends that he was an approved Head Teacher of Pichhaboni Primary School, P.O.- Pichhaboni, District-Purba Medinipur. The petitioner retired from service on superannuation on 30th June, 2009. The first Pension Payment Order was issued in favour of the petitioner 17th June, 2009. The revised Pension Payment Order as per ROPA 2009 was issued on 18th January, 2013. The revised gratuity and arrear pension amount was paid to the petitioner 10th April, 2013. The petitioner is entitled to revised

gratuity and arrear pension from the date of effect of ROPA 2009 i.e. 19th May, 2009. However, no interest has been paid on the delayed payment of revised arrear pension. Hence this writ petition.

4. Mr. Banshi Badan Maity, learned Advocate appearing for the petitioner submits that the petitioner is entitled to interest on gratuity and arrear pension amount from the date of effect of ROPA, 2009, i.e. 19th May, 2009.
5. Despite service, none appears on behalf of the State.
6. Ms. Lipika Chatterjee, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Ms. Chatterjee be regularised by the competent authority.
7. Learned Advocate for the petitioner is directed to serve a copy of the writ petition along with its annexure upon Ms. Chatterjee, learned Advocate for the State.
8. Ms. Chatterjee, learned Advocate for the State leaves the matter to the discretion of this 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 10th April, 2013. As such, the petitioner is entitled to interest on the aforesaid amount.
11. Accordingly, respondent no.2, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.4, Treasury Officer, Contai are directed to pay the interest at the rate of interest @ 8% per annum on the revised gratuity and arrear pension in favour of the petitioner on and from the date of effect of ROPA, 2009 i.e. 19th May, 2009 till the date of actual payment.
12. Such payment is to be made within a period of eight weeks from the date of communication of this order.
13. Learned advocate for the petitioner is directed to communicate this order to the respondent no.2, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.4, Treasury Officer, Contai for necessary action.
14. With the aforesaid directions, the writ petition being **WPA 20998 of 2025** is disposed of.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
16. Interim order, if any, stands vacated.

17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. 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.)