06.10.2026
Sl. No.15(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25707 of 2025

Gopal Chandra Nandi
Versus
The State of West Bengal & Ors.

Mr. Banshi Badan Maity
...for the Petitioner.

Mr. Brijendra Pratap Singh,
Ms. Sneha 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 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 a Head Teacher of Nodikul Free Primary School, P.O. Tajpurgram, District-Bankura. The petitioner retired from service on superannuation on 31st July, 2008. The first Pension Payment Order was issued on 9th July, 2008. The revised Pension Payment Order was issued under ROPA, 2009 on 5th March, 2012. The revised gratuity and arrear pension as per ROPA, 2009 was disbursed to the petitioner on 20th April, 2012. However, no interest has been paid. Hence, this writ petition.

4. Mr. Banshi Badan Maity, 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. Despite service, none appears on behalf of the State.

6. Mr. Brijendra Pratap Singh, learned Advocate, who usually appears for the State, is requested to appear in this matter with a junior of his choice. Let their appointment be regularised by the competent authority.

7. The learned Advocate for the petitioner is directed to hand over a copy of the writ petition along with its annexures to Mr. Singh, learned Advocate for the State.

8. Mr. Singh, 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 versus Tarsem Singh*** reported in ***(2008) 3 SCC 648***]

10. 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.

11. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Bishnupur, Bankura are directed to disburse the interest @ 8% per annum on the revised gratuity and arrear pension from the date of effect of ROPA, 2009 i.e. 19th May, 2009 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.

12. 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, Bishnupur, Bankura, for necessary compliance.

13. With the above direction, the writ petition being **WPA 25707 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. 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.)