

15.06.2026
Sl. No.12
Ct. No.6
gd

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

**WPA/827/2026
DEBASIS ROY
VS
THE STATE OF WEST BENGAL AND ORS.**

Ms. Taniya Bhowmik
..for the Petitioner.

Ms. Supriya Singh
Ms. Radhika Agarwal
..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 gratuity and arrear pension from the date of effect of ROPA 2019 till the date of actual payment @ 18% per annum.
3. The petitioner contends that he was an Assistant Teacher of Kamrangaguri 5th Plan Primary School, District-Coochbehar. The petitioner retired from service on superannuation on 31st December, 2017. The first Pension Payment Order was issued on 5th December, 2017. The revised Pension Payment Order as per ROPA 2019 was

issued on 23rd August, 2021. The revised gratuity amount and arrear pension was paid on 30th August, 2021. However, no interest has been paid on the delayed payment of revised gratuity and arrear pension. Hence this writ petition.

4. Ms. Taniya Bhowmik, learned advocate appearing for the petitioner submits that the petitioner is entitled to interest on revised gratuity and arrear pension under ROPA, 2019 with effect from 14th February, 2020 till the date of actual payment. She seeks for appropriate orders.
5. Ms. Supriya Singh, learned advocate for the State leaves the matter to the discretion of this 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 vs. Tarsem Singh*** reported in **(2008) 3 SCC 648**).
7. In terms of ROPA, 2019 the petitioner is entitled to receive the revised gratuity and arrear pension amount from the date of effect of ROPA, 2019, i.e. 14th February,

2020. The revised gratuity and arrear pension is disbursed on 30th August, 2021. As such, the petitioner is entitled to interest on the aforesaid amount.

8. Accordingly, respondent no.2, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.3, Treasury Officer, Coochbehar-II, are directed to disburse the interest at the rate of interest @ 8% per annum on the revised gratuity and arrear pension in favour of the petitioner by way of pensionary benefits under ROPA, 2019 with effect from 14th February, 2020 till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.
9. Learned advocate for the petitioner is directed to communicate this order to respondent no.2, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.3, Treasury Officer, Coochbehar-II, for necessary action.
10. With the aforesaid directions, the writ petition being **WPA 827 of 2026** is 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.)