

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 780 OF 2014

Pratima Das (Jana) vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
18 27.09.2018	<p>For the Applicant : Mrs. M.D. Chowdhury, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to pay interest for delayed payment of revised gratuity.</p> <p>The applicant retired as Assistant Teacher of Belpahari Residential Government Girls' High School on July 31, 2007. The applicant received gratuity to the tune of Rs.2,16,365/- and commuted value of pension to the tune of Rs.1,65,985/- in due course after retirement. The applicant was entitled to receive revised gratuity due to enhancement of salary after implementation of ROPA, 2009. The applicant received the balance amount of revised gratuity to the tune of Rs.65,125/- on December 1, 2012 on the basis of order for payment of revised gratuity issued by the respondent AG (A&E), West Bengal on September 20, 2011. The grievance of the applicant is that she has been deprived of the interest on balance amount of revised gratuity for delayed payment without having any fault or lapse on the part of the applicant.</p>	

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Learned Counsel for the applicant contends that applicant is entitled to get interest from August 1, 2007 to December 1, 2011. On the other hand, Learned Counsel representing the state respondents, contends that the state respondents had to process revised retirement benefits of large number of retired Teachers of Government Schools for giving benefit of ROPA, 2009 and as such, delay took place in disbursement of the amount of revised gratuity.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we do not find any lapse on the part of the applicant for delayed payment of balance amount of revised gratuity at least during the period from October 1, 2010 to November 30, 2012. By making a reasonable approach for processing payment of balance amount of revised gratuity, we would like to deduct three months from the above period for the purpose of calculation of interest on balance amount of revised gratuity. By taking into consideration interest paid on GPF or PPF and interest paid by the nationalised bank on long term fixed deposit, the rate of interest is fixed @ 8% per annum.

In view of our above findings, the applicant is entitled to get interest @ 8% per annum from October 1, 2010 to November 30, 2012. The respondent no. 5, Commissioner of School Education, Government of West Bengal is directed to take necessary action for payment of interest to the applicant @ 8% per annum on the amount of Rs.65,125/- during the period from October 1, 2010 to

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Sanjib	<p>November 30, 2012 within a period of 12 (twelve) weeks from the date of communication of the order.</p> <p>With the above direction, the original application stands disposed of.</p> <p>Let a plain copy of this order be supplied to all the parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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