

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. –OA 309 of 2023**

Shri Somdatta Dalai - **VERSUS** – The State of West Bengal & Others

Serial No. and  
Date of order

For the Applicant

: Mr. S. N. Ray,  
Ld. Advocate.

04  
11.12.2024

For the State Respondents

: Mr. G. P. Banerjee,  
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for a direction to the respondent authorities to disburse the interest in favour of the applicant at the rate of 8% per annum for the delay in granting pension and other pensionary benefits.

Attention has been drawn to copy of Memo. 231 dated 31.01.2023. By this order the respondent authority complied with the direction of the Tribunal and granted an interest @ 5% per annum for the delayed payment of pension and other retiral benefits. The applicant appears not to be satisfied with this rate of interest given to him and he, through a representation dated 07.02.2023 prays for interest at the rate of 8% per annum. His contention is that his fixed deposits in the banks fetch him an interest of 8.15% per annum. Therefore, the interest given by the respondent authority should be revised upward to 8% at least per annum.

Mr. Ray, learned counsel argues that such 8% interest was earlier ordered by this Tribunal in other cases.

Mr. Banerjee, learned counsel, however, disagrees and points out that the reasoned order passed by the respondent authority in Memo. 231 dated 31.01.2023 giving him the 5% interest on the delayed payment has not been challenged by the applicant in this application.

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Having heard the submissions of the learned counsels, the Tribunal is of the view that the applicant cannot ask for a high rate of interest at 8% per annum on the ground that his fixed deposits with the bank earned him an 8.15% rate of interest. The rate of interest given by the bank against fixed deposits cannot be equated with the rate of interest given by the respondent authority for delayed payment of pension. The fixed deposits are more in the nature of investment which has a strong commercial base whereas the 5% rate of interest given is not commercial nor intended for any profit. It is only a gesture and acceptance of the fact by his employer that due to various reasons release of his pension was delayed.

Hence, finding the prayer in this application devoid of any merit, it is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.