

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 549 of 2020

**Madhuri Surin
-versus
The State of West Bengal & Ors.**

**Mrs. Sabita Khutia (Bhunya)
Mr. Sandip Ghosh
...For the Petitioner.**

**Mr. Subir Kumar Saha,
Mr. Ankan Mitra
...For the State.**

The petitioner is the unmarried daughter of a deceased school teacher. The father of the petitioner died-in-harness on 28.03.2001. The pension payment order was issued on 09.03.2002. Being the unmarried daughter the petitioner claims that she is entitled to receive family and accordingly the arrear family pension was paid to the petitioner on 18.01.2019 as per the pension payment order dated 18.09.2018. The petitioner claims interest on delayed payment of the arrear family pension amount on and from 06.08.2013 till the date of actual payment as per the pension payment order dated 18.09.2018.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

The petitioner being the unmarried daughter is entitled to receive the family pension in accordance with the service rule governing the employee. Though the

family pension was paid to the petitioner on 18.01.2019 but the same ought to have been paid on and from the following date on the death of the widow of the teacher. In the instant case the widow of the teacher that is the mother of the petitioner expired on 05.08.2013 and accordingly the petitioner to receive family pension on and from 06.08.2013. The same was paid to the petitioner at a delayed date.

The petitioner is entitled to interest on account of the delay in payment of the family pension in her favour.

In view of the aforesaid, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 9% per annum on the arrear family pension calculated on and from 06.08.2013 till the actual date of payment.

Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not be admitted.

W.P.A. 549 of 2020 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)