

72
27.01.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

W.P.A. 5411 of 2021

**Naresh Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Bidhan Biswas.
...For the Petitioner.**

**Mr. Abhijit Boral.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners are the heirs of a deceased primary school teacher. The primary school teacher died on 6th August, 1975. After his death, his widow received family pension till her death on 15th January, 2020.

The petitioners are the sons and daughters of the deceased teacher. They claim interest on account of delayed payment of the family pension in favour of the widow of the deceased teacher.

The Hon'ble Division Bench of this Court by a judgment dated 24th March, 2021 passed in MAT 1858 of 2019 with IA No. CAN 1 of 2020 (Old No. CAN 1077 of 2020) (The Director of Pension, Provident Fund & Group Insurance & Anr.) directed that interest of arrear family pension shall be paid @ 9% per annum from 1st November, 2010 till the date of issuance of the Pension Payment Order.

It appears from the instruction given by the District Inspector of Schools (P.E.), South 24-Parganas that the Family Pension Payment Order was issued in favour of the widow of the deceased teacher on 20th April, 2015.

In view of the order passed by the Hon'ble Division Bench, the heirs of the deceased widow will be entitled to interest on arrear family pension @ 7% per annum from 1st November, 2010 till the date of issuance of the Family Pension Payment Order at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The Treasury Officer, Diamond Harbour is directed to comply the aforesaid order within the time as specified hereinabove.

The writ petition stands 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.)