

08.09.2022
Item No.54
Court No.18
SK

W.P.A. 14183 of 2022

Dipti Layek
-Vs-
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the petitioner.
Mr. Ahibhushan Chakrabarti
.....for the State.

Affidavit-of-service filed by the learned advocate
for the petitioner be kept with the record.

The petitioner's husband was an approved
Assistant Teacher of a secondary school and retired
from his said service on superannuation on January
31, 2009 and died on March 28, 2021.

The first pension payment order of the
petitioner's husband was issued on January 27,
2009.

Under the ROPA Rules, 2009, there was
revision of the pension, gratuity and computation of
pension of the pensioners vide Memorandum of the
Government of West Bengal bearing No. 73-
SE(B)/IM-4/2009 dated May 19, 2009 and the
revised pension payment order of the petitioner's
husband under ROPA, 2009 was issued on May 23,
2012, in terms of the said revised pension payment
order, the petitioner's husband received the arrear
pension on August 28, 2012.

The petitioner in the instant writ petition is
claiming that she is entitled to interest for the

delayed payment of the said arrear pension and is praying issuance of writ of mandamus commanding the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer, the respondents herein, to pay such interest.

It is now well settled that the petitioner is entitled to the interest, as prayed for.

The aforementioned respondents are, therefore directed to pay interest on the revised arrear pension @ 8% per annum from the date of notification of the aforesaid Government order i.e. May 19, 2009 till the date of payment of revised arrear pension in terms of the said revised Pension payment order.

The payment, as aforesaid, shall be made within a period of twelve weeks from the date of communication of this order, in default, the said arrears amount shall fetch an additional interest of 2% per annum.

W.P.A. 14183 of 2022 stands disposed of with the above directions. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)