

16.11.2022
Item No.99
Court No.18
AJ.

W.P.A. 16510 of 2022

Shikha Sarkar Saha
-Vs-
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya).
.....for the petitioner.
Md. Abu Reja Jaglul Kabir.
.....for the State.

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

The husband of the petitioner was an approved Clerk of a secondary school and retired from his said service on superannuation on December 31, 2017 and expired on December 17, 2019.

The first pension payment order of the concerned employee was issued December 06, 2017.

Under the ROPA Rules, 2019, there was revision of the pension, gratuity and computation of pension of the pensioners vide Memorandum of the Government of West Bengal bearing No. 53/ES/P/P&B/10M-99/2019 dated February 14, 2020 and the revised pension payment order of the concerned employee under ROPA, 2019 was issued on December 29, 2020 and in terms thereof, the petitioner received the arrear family pension and gratuity on January 04, 2021.

The petitioner in the instant writ petition is claiming that she is entitled to interest for the delayed payment of the said gratuity and arrear family 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.

The learned Advocate for the State respondents does not oppose the prayer of the petitioner.

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 gratuity and arrear family pension @ 8% per annum from the date of notification of the aforesaid Government order i.e. February 14, 2020 till the date of payment of revised gratuity and arrear family 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. 16510 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.)