

04.11.2022
Item No.215
Court No.18
AJ.

W.P.A. 16838 of 2022

Malabika Das
-Vs-
The State of West Bengal & Ors.

Ms. Debjani Sahu,
Mr. Arun Khutia.
.....for the petitioner.

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

None appears on behalf of the State respondents in spite of service.

The husband of the petitioner was an approved Assistant Teacher of a secondary school and he died-in-harness on January 17, 2018.

The first pension payment order of the concerned teacher was issued on January 05, 2019.

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 teacher under ROPA, 2019 was issued on February 10, 2021 and in terms thereof, the petitioner received the arrear family pension and gratuity on February 22, 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.

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. 16838 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.)