

03.11.2022
Item No.47
Court No.18
AJ.

W.P.A. 16900 of 2022

Madhumita Sen
-Vs-
The State of West Bengal & Ors.

Mr. Biswajit Mal.

.....for the petitioner.

Ms. Jyotsna Roy Mukherjee.

.....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
Assistant Teacher of a Secondary school and he died-
in-harness on January 13, 2017.

The first Pension Payment Order of the
concerned teacher was issued on July 28, 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
teacher concerned under ROPA, 2019 was issued on
September 28, 2021, in terms of the said revised
pension payment order, the petitioner received the
arrear family pension and gratuity on October 08,
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
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.

Learned Advocate for the State 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. 16900 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.)