

03.11.2022
Item No.116
Court No.18
SK

W.P.A. 19086 of 2022

Subrata Mukherjee & Anr.
-Vs-
The State of West Bengal & Ors.

Ms. Sudipa Biswas
.....for the petitioners.

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

In spite of service none appears on behalf of the State-respondents.

The wife of the petitioner no. 1 was an approved Head Mistress of a secondary school and died-in-harness on October 31, 2019.

The Pension Payment Order of the employee concerned was issued on October 26, 2021 in pursuance whereof the petitioners received the gratuity and the arrear family Pension on November 16, 2021.

In the instant writ petition the prayer of the petitioners is a writ of mandamus be issued commanding the respondents to pay interest on the said amount of gratuity and the arrear family pension for the delayed payment.

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

The respondents, the concerned Treasury Officer in particular are, therefore, directed to pay interest @ 8% per annum on the gratuity and the arrear amount of family pension from the date of death of the employee concerned till the date of such payment.

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

W.P.A. 19086 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.)