

03.11.2022
Item No.143
Court No.18
SK

W.P.A. 19425 of 2022

Dipa Upadhyay Misra
-Vs-
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)
.....for the petitioner.

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 husband of the petitioner was an approved
Assistant Teacher of a secondary school and retired
from his said service on superannuation on
December 31, 2019 and expired on December 16,
2021.

The first pension payment order of the employee
concerned was issued on December 24, 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
employee concerned under ROPA, 2019 was issued
on May 11, 2021 and in terms whereof, the petitioner
received the arrear family pension and gratuity on
May 19, 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 revised 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 revised 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. 19425 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.)