

02.12.2022  
Item No.112  
Court No.18  
SK

**W.P.A. 24850 of 2022**

**Asitava Sarkar**  
**-Vs-**  
**The State of West Bengal & Ors.**

Ms. Sudipa Banerjee  
.....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 petitioner was an approved Assistant  
Teacher of a secondary school and retired from his  
said service on superannuation on December 31,  
2016.

The first pension payment order of the  
petitioner was issued on December 26, 2016.

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  
petitioner under ROPA, 2019 was issued on  
November 12, 2020, in terms whereof, the petitioner  
received the arrear pension and gratuity on January  
04, 2021.

The petitioner in the instant writ petition is  
claiming that he 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.

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 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 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. 24850 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.)**