

08.12.2022
SL. No.101(DL)
Court No.02
srm

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

W.P.A. No. 3035 of 2022

**Banita Rai
Versus
The State of West Bengal & Ors.**

Mr. Debajit Kundu

...for the Petitioner.

Mr. Subir Kumar Saha,
Ms. Bedashruti Bose

...for the State-respondents.

Affidavit of service filed in Court today is taken on record.

The husband of the petitioner was a Teacher of a School, who died in harness on 12.11.2017. The pension Payment Order was first issued in favour of the petitioner on 11.07.2018 and after introduction of ROPA, 2019, revised pension payment order was issued on 14.12.2021. The petitioner received the retirement benefits on 31.01.2022 on the basis of ROPA 2019.

The grievance of the petitioner is that interest on the delayed payment of arrear pension and revised gratuity has not been paid.

Upon considering the order of the Hon'ble Division Bench of this Court dated August 14, 2013 in MAT 1118 of 2013 read with the circular dated June 25, 2002 issued by the Joint Director of Treasuries and Accounts, West Bengal, there cannot be any dispute with regard to the entitlement of interest on delayed payment of revised gratuity and

revised arrear pension. Thus, in this case as well, the same principle will apply.

In view thereof, this writ petition stands disposed of with a direction upon the respondents and particularly the concerned Treasury Officer to pay to the petitioner interest on the revised arrear pension as also the revised gratuity @ 8% per annum from the date of entitlement, to the revised arrear family pension and the revised gratuity as per ROPA, 2019 till the date of actual payment of the revised arrear pension and gratuity. Such payment shall be made within 12 weeks from the date of service of an authenticated copy of this order.

Needless to mention that before any disbursement is made, the disbursing authority shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant, who is before this Court.

With the aforesaid observation and directions, this writ application stands disposed of.

There will, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for be given to the petitioner on priority basis.

(Shampa Sarkar, J.)