Court No. 22

20.01.2023

(Item No. 37)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 162 of 2023

Mst. Saminoor Khatun
VS
The State of West Bengal & Ors.

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

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

This writ petition was filed by the widow of the deceased employee, namely, **Md. Manjur Alam**, who was an ***Assistant Teacher*** of the relevant School stated hereinafter. From the document being ***Annexure P-1*** and ***P-2*** at ***pages 13 and 14*** to the writ petition it appears that, the deceased employee died on May 1, 2021 and the present petitioner being the wife of the deceased employee had already received the revised gratuity amount and the allied benefits of her deceased husband.

The husband of the petitioner was an approved **Assistant Teacher** at **Abbasganj High Madrasah, District – Malda**. He had retired from his employment on ***June 30, 2018*** and died on ***May 1, 2021***.

The pension payment order was issued by the concerned respondent on September 13, 2018 and ROPA part was issued on August 18, 2021.

Under **ROPA Rules, 2019**, there was a revision of Pension, Gratuity and computation of Pension of the pensioners under the Government notification/memorandum bearing **No. 53/ES/P/P&B/10M-99/2019 dated February 14, 2020** and the revised pension payment order of the petitioner's husband under ROPA, 2019 was issued on August 18, 2021.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from February 14, 2020**.

None appears for respondents.

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the revised gratuity on arrear pension @ 8% per annum on and from February 14, 2020 till the date of actual payment being received by the petitioner in terms of the revised pension payment order.

The entire exercise as directed above, shall be carried out and completed positively by the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amounts and the entitlement of the petitioner shall carry an additional interest of 2% per annum till the date the petitioner actually receives the same.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 162 of 2023** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)