

108 27.03.2023
Sc Ct. no.22

WPA 1347 OF 2023

Samima Khatun

Vs.

The State of West Bengal & Ors.

Mr. Krishna Pada Samanta

....For Petitioner

Mr. Biswa Nath Samanta

....For the State

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

Mr. Biswa Nath Samanta, learned counsel appeared for the State.

This writ petition was filed by the widow of the deceased employee, namely, Late Sk. Abrar Ali, who was an **Head Teacher of the** relevant school stated hereinafter. From the documents to the writ petition it appears that, the deceased employee **died-in-harness on 06.01.2016** 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 **Teacher at Uluberia High Madrasah, District - Howrah..** He died-in-harness on **06.01.2016**.

The ***Pension Payment Order*** was issued by the concerned respondent on ***04.08.2017*** and ***ROPA*** part was issued on ***23.06. 2022***.

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 ***23.06.2022***.

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

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*** and on ***arrear family 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 1347 of 2023** stands disposed of, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)