

110 27.03.2023
Sc Ct. no.22

WPA 1359 OF 2023

Khatija Bibi & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Krishnapada Santra

....For Petitioners

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

None appeared for the State.

This writ petition was filed by the widow and other legal heirs of the deceased employee, namely, Late Md. Khairul Anam who was an **Assistant Teacher of the** relevant school stated hereinafter. From the documents to the writ petition it appears that, the deceased employee died-in-harness on September 29, 2017 and the present petitioners being the wife and other legal heirs of the deceased employee had already received the revised gratuity amount and the allied benefits of the deceased employee.

The husband of the petitioner no.1 was an approved **Assistant Teacher at Mitna Sh Madrasah, District – Malda.** He died-in-harness on **September 29, 2017.**

The **Pension Payment Order** was issued by the concerned respondent on **July 10, 2018** and **ROPA** part was issued on **April 13, 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 **April 13, 2022**.

The petitioners now claim 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 petitioners 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 1539 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.)