

13.07.2023  
Item No.139  
Court No.18  
P.Jana

**W.P.A. 1913 of 2023**

**Mandira Patra**  
**-Vs-**  
**The State of West Bengal & Ors.**

Mr. Sourav Mitra,  
Ms. Sreyasree Choudhury.  
.....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's husband was an approved  
Assistant Teacher of a secondary school and retired  
from his said service on superannuation on  
December 31, 2008 and died on January 29, 2015.

The first pension payment order of the  
petitioner's husband was issued on December 29,  
2008.

Under the ROPA Rules, 2009, there was  
revision of the pension, gratuity and computation of  
pension of the pensioners vide Memorandum of the  
Government of West Bengal bearing No. 73-  
SE(B)/IM-4/2009 dated May 19, 2009 and the  
revised pension payment order of the petitioner's  
husband under ROPA, 2009 was issued on January  
18, 2013, in terms of the said revised pension  
payment order, the petitioner's husband received the  
revised gratuity amount on May 31, 2013.

The petitioner in the instant writ petition is  
claiming that she is entitled to interest for the  
delayed payment of the said gratuity amount 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 amount @ 8% per annum from the date of notification of the aforesaid Government order i.e. May 19, 2009 till the date of payment of 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. 1913 of 2023 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.)**