

03.07.2023
Item No.155
Court No.18
P.Jana.

W.P.A. 4928 of 2023

Amit Kumar Sinha Roy
-Vs-
The State of West Bengal & Ors.

Mr. Krishna Pada Santra,
.....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 was an approved Assistant Teacher of a secondary school and retired from her said service on superannuation on January 31, 2010.

The first pension payment order of the petitioner was issued on July 01, 2010.

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 under ROPA, 2009 was issued on April 04, 2013 in terms of the said revised pension payment order, the petitioner received the revised arrear pension and gratuity on May 06, 2013.

The petitioner in the instant writ petition is claiming that she is entitled to interest for the delayed payment of the said arrear pension 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 and revised arrear pension @ 8% per annum from the date following the date of retirement i.e. February 01, 2010 till the date of payment of revised gratuity and 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. 4928 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.)