

28.07.2023
Item No.206
Court No.18
P.Jana

W.P.A. 13121 of 2023

Kabita Saha
-Vs-
The State of West Bengal & Ors.

Ms. Sudipa Biswas,
.....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 husband of the petitioner was an approved Non Teaching Staff (Group-D) of a secondary school and retired from his said service on superannuation on February 29, 2016 and expired on April 06, 2022.

The first pension payment order of the employee concerned was issued on April 23, 2018.

Under the ROPA Rules, 2019, there was revision of the pension, gratuity and computation of pension of the pensioners vide Memorandum of the Government of West Bengal bearing No. 53/ES/P/P&B/10M-99/2019 dated February 14, 2020 and the revised pension payment order of the employee concerned under ROPA, 2019 was issued on February 22, 2023 and in terms thereof the arrear amount of family pension and gratuity was disbursed on February 24, 2023.

The petitioner in the instant writ petition is claiming that she is entitled to interest for the delayed payment of the said gratuity and 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 arrear pension @ 8% per annum from the date of notification of the aforesaid Government order i.e. February 14, 2020 till the date of payment of revised gratuity and arrear family 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. 13121 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.)