

11.08.2023
Item No.110
Court No.18
P.Jana

W.P.A. 13529 of 2022

Swati Mukherjee
-Vs-
The State of West Bengal & Ors.

Mr. Anirban Chakraborty,
.....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
Assistant Teacher of a secondary school and retired
from his said service on superannuation on February
28, 2017 and expired on October 03, 2019.

The first pension payment order of the employee
concerned was issued on May 05, 2017.

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 June 15, 2021 and in terms thereof the arrear
amount of pension and gratuity was disbursed on
October 01, 2021.

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 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. 13529 of 2022 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.)