

13.07.2023
Item No. 108
Court No.18
P.Jana.

W.P.A. 14005 of 2023

Hamidur Rahaman
-Vs-
The State of West Bengal & Ors.

Ms. Ria Bhunya,

.....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 his said service on superannuation on October 31, 2019.

The first pension payment order of the petitioner was issued on November 07, 2019.

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 13, 2021 in terms of the said revised pension payment order, the petitioner received the revised arrear pension and gratuity on April 14, 2021.

The petitioner in the instant writ petition is claiming that he 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. 14005 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.)