

14.03.2023
ML 169
Dt. 06.03.23
Court No.18
SK

W.P.A. 16031 of 2022

Chirasree Mandal Das & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
.....for the petitioners.

Affidavit-of-service filed by the learned advocate
for the petitioners be kept with the record.

In spite of service none appears on behalf of the
State-respondents.

The husband of the petitioner no. 1 and father
of the petitioner nos. 2 and 3 was an approved
Assistant Teacher of a secondary school and died-in-
harness on November 22, 2016.

The first pension payment order of the employee
concerned was issued on November 09, 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 August 10, 2021, in terms whereof, the
petitioners received the arrear family pension and
gratuity on August 14, 2021.

The petitioners in the instant writ petition are
claiming that they are entitled to interest for the

delayed payment of the said gratuity and arrear family pension and are 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 petitioners are entitled to the interest, as prayed for.

The aforementioned respondents are, therefore directed to pay interest on the revised gratuity and revised arrear family 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 revised 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. 16031 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.)