Court No. 22

02.5.2023

(Item No. ML 16)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 22500 of 2022

Sandhya Das (Adhikari)
VS
The State of West Bengal & Ors.

Mr. Bidhan Biswas
...... for the petitioner
Mr. Ananda Dulal Sarkar
...... for the State

Affidavit of service filed in Court today, is taken on record.

The petitioner was an approved **Assistant Teacher** at **Minadaha High School (H.S.), District – Paschim Medinipur**. She had retired from his employment on February 29, 2016.

The revised pension payment order was issued by the concerned respondent on November 14, 2021. The petitioner had received revised pension and gratuity under the pension payment order on November 18, 2021. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid.

Under **ROPA Rules, 2019**, there was a revision of Pension, Gratuity and computation of Pension of the pensioners under the Government notification/memorandum bearing **No. 53/ES/P/P&B/10M-99/2019 dated February 14, 2020.**

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from February 14, 2020**.

Mr. Ananda Dulal Sarkar, learned counsel appeared for the State.

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the revised gratuity and on arrear pension @ 8% per annum on and from February 14, 2020 till the date of actual payment being received by the petitioner in terms of the revised pension payment order.

The entire exercise as directed above, shall be carried out and completed positively by the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amounts and the entitlement of the petitioner shall carry an additional interest of 2% per annum till the date the petitioner actually receives the same.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 22500 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)