

14.03.2023
Item No.127 of M. List
Court No.18
P.Jana

W.P.A. 24438 of 2022

Chhaya Das
-Vs-
The State of West Bengal & Ors.

Mr. Sudip Sarkar,
.....for the petitioner.

Ms. Anjusri Mukherjee,
..... for the State.

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

The husband of the petitioner was an approved Assistant Teacher of a secondary school and retired from his service on superannuation on December 31, 2002 and he died on March 13, 2017.

The Pension Payment Order of the employee concerned was issued on June 23, 2003 in pursuance whereof the husband of the petitioner received the gratuity and the arrear family Pension on January 09, 2004.

In the instant writ petition the prayer of the petitioner is a writ of mandamus be issued commanding the respondents to pay interest on the amount of arrear family pension and gratuity for the delayed payment.

Learned advocate for the State-respondents does not oppose the prayer of the petitioner.

It is now well settled that the petitioner is entitled to the interest, as prayed for.

The respondents, the concerned Treasury Officer in particular are, therefore, directed to pay interest @ 8% per annum on the arrear amount of pension and gratuity from the date of retirement of the employee concerned till the date of such payment.

The payment as aforesaid shall be made within the period of eight weeks from the date of communication of this order, in default the said arrear amount shall fetch an additional interest of 2% per annum.

W.P.A. 24438 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.)