

20.01.2023
Item No.94
Court No.18
P.Jana

W.P.A. 28167 of 2022

Babita Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Krishna Pada Santra,
.....for the petitioner.

Mr. Ashok Kumar Sarkar,
..... 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 who died in harness on May 28, 2016.

The Pension Payment Order was issued on February 13, 2017 in pursuance whereof she received the gratuity and the arrear family Pension on May 04, 2017.

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 said 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 family pension and gratuity from the date of death 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. 28167 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.)