

09.01.2023
Item No.43
Court No.02
SK

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. 40 of 2023

**Shanta Bahadur Sarki
-Vs-
The State of West Bengal & Ors.**

Mr. Deborshi Dhar
.....for the petitioner.
Mr. Subir Kr. Saha, AGP,
Mr. Momenur Rahman
.....for the State.

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

The petitioner was an approved Assistant Teacher of a primary school and retired from his service on superannuation on July 31, 2019.

The Pension Payment Order of the petitioner was issued on February 23, 2021 in pursuance whereof he received the gratuity and the arrear Pension on July 12, 2021.

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 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 petitioner 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. 40 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.)