

09.01.2023
Item No.48
Court No.02
SK

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

W.P.A. 47 of 2023

**Barun Kumar Sarkar
-Vs-
The State of West Bengal & Ors.**

Mr. Imdadul Biswas,
Mr. Subhankar Dutta
.....for the petitioner.
Mr. Subir Kumar Saha, AGP,
Ms. Bedashruti Bose
.....for the State.

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

The petitioner was an approved Clerk of a
Secondary School and retired from his said service
on superannuation on January 31, 2018.

The first pension payment order of the
petitioner was issued on January 15, 2018.

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
petitioner under ROPA, 2019 was issued on
December 29, 2020, in terms of the said revised
pension payment order, the petitioner received the
arrear pension and gratuity on February 28, 2021.

The petitioner in the instant writ petition is
claiming that he is entitled to interest for the delayed

payment of the said arrear pension and gratuity and is 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.

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 aforementioned respondents are, therefore directed to pay interest on the revised gratuity and revised arrear 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 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. 47 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.)