

10.01.2023
Item No.40
Court No.02
SK

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

W.P.A. 52 of 2023

**Bani Roy Karmakar
-Vs-
The State of West Bengal & Ors.**

Mr. Deborshi Dhar
.....for the petitioner.
Mr. Subir Kumar Saha (AGP),
Mr. Momenur Rahman
.....for the State.

Leave is granted to the learned advocate for the petitioner to carry out necessary correction in the prayer – A of the writ petition.

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 primary school and died-in-harness on July 07, 2016.

The first pension payment order of the employee concerned was issued on December 05, 2017.

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 employee concerned under ROPA, 2019 was issued on August 17, 2021, in terms whereof, the petitioner received the arrear family pension and gratuity on December 13, 2021.

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

delayed payment of the said gratuity and arrear family pension 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 family 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 family 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. 52 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.)