

10.01.2023
Item No.61
Court No.02
SK

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

W.P.A. 82 of 2023

**Bidya Tirwa
-Vs-
The State of West Bengal & Ors.**

Mr. Deborshi Dhar
.....for the petitioner.
Mr. Subir Kumar Saha,
Mr. Momenur Rahman
.....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 primary school and died-in-harness on March 22, 2016.

The Pension Payment Order of the employee concerned was issued on March 20, 2017 in pursuance whereof the petitioner received the gratuity and the arrear family Pension on June 13, 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 gratuity and the arrear family pension 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 gratuity and the arrear amount of family pension 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. 82 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.)