

23.02.2023
Item No.28
Court No.18
AJ.

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 269 of 2023

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

Mr. Anirban Chakraborty.
.....for the petitioner.

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

None appears on behalf of the State
respondents in spite of service.

The petitioner was an approved Assistant
Teacher of a secondary school and retired from his
said service on superannuation on January 31,
2016.

The first pension payment order of the
petitioner was issued on January 19, 2016.

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 January 29,
2021 and the revised pension payment order of the
petitioner under ROPA, 2019 was issued on July 29,
2021 and in terms thereof, the petitioner received the
arrear pension and gratuity on July 30, 2021.

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

payment of the said gratuity and arrear 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.

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. 269 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.)