

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

16 12.04.2023
Sc Ct. no.22

WPA 723 OF 2023

Manjeet Sharma (Prasad)

Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

....For Petitioner

Mr. Subir Kumar Saha

Mr. Pretom Das.

.For the State

Affidavit-of-service, filed in Court, is taken on record.

Mr. Subir Kumar Saha, learned Additional Government Pleader appeared for the State.

The petitioner claimed to be the **widow of one Prabhu Shankar Prasad** since deceased who was employed as an **Assistant Teacher at Saraswari High School, District – Darjeeling**. The deceased employee had retired from his employment on **31.1.2016** and had died on **13.8.2017** as would be evident from the relevant **Death Certificate at page 14** of to the writ petition. The present petitioner being the widow of the deceased employee had already received the revised gratuity amount and the allied benefits of her deceased husband.

The **Pension Payment Order** was issued by the concerned respondent on **22.7.2016** and **ROPA part was issued on 08.10.2021.**

Under **ROPA Rules, 2019**, there was a revision of Pension, Gratuity and computation of Pension of the pensioners under the **Government Notification /Memorandum bearing No.53/ES/P/P&B/10M-99/2019 dated February 14, 2020** and the revised **Pension Payment Order** of the petitioner's husband under **ROPA, 2019** was issued on **08.10.2021.**

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension **on and from February 14, 2020.**

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the **gratuity and arrear pension @ 8% per annum** on and from **February 14, 2020** till the date of actual payment being

received by the petitioner in terms of the **Pension Payment Order**.

The entire exercise as directed above, shall be carried out and completed positively by the respondents and or the **Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer** within a period of **eight weeks** from the date of communication of this order. **In default**, the said arrear amounts and the entitlement of the petitioner shall carry an **additional interest of 2% per annum** till the date the petitioner actually receives the same.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 723 of 2023** stands disposed of, without any order as to costs.

Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)