

19
11.04.2023
SB
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 768 of 2023

Amrita Tamang
-versus-
The State of West Bengal & Ors.

...For the Petitioner

Mr. Debjit Kundu

...For Petitioner

Mr. Hirak Barman
Mr. Pretom Das

... For the State

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

The husband of the petitioner was an approved
Assistant Teacher at **Sukhia Pokhari Primary
School, District – Darjeeling**. He had retired
from his employment on 31.12.2017 and died on
07.3.2021.

The **Pension Payment Order** was issued by
the concerned respondent on 07.08.2008 and
ROPA part was issued on 30.8.2013.

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. 73-SE(B)
IM-4/2009 dated May 19, 2009** and the revised

Pension Payment Order of the petitioner under ***ROPA, 2009*** was issued on 30.8.2013.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension ***on and from May 19, 2009***.

Mr. Hirak Barman, learned advocate appears for the respondents.

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 ***revised gratuity*** and ***revised arrear pension @ 8% per annum*** on and from ***May 19, 2009*** till the date of actual payment being received by the petitioner in terms of the ***revised 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 768 of 2023** stands disposed of, without any order as to costs.

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

(ANIRUDDHA ROY, J.)