

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

WPA 822 OF 2023

10 13.4.2023
Sc Ct. no.2

Golapi Baraik

Vs.

State of West Bengal & Ors.

Mr. Krishnapada Santra

....For Petitioner

Mr. Hirak Barman

Mr. Pretom Das.

....For the State

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

Mr. Hirak Barman, learned counsel appeared for the State.

This writ petition was filed by the widow of the deceased employee, namely, Prabhu Baraik was an **Assistant Teacher** of the relevant School stated hereinafter. From the document at pages 14 and 15 to the writ petition it appears that the deceased employee **died-in-harness on 19.8.2017**, and the present petitioner being the wife of the deceased employee had already received the revised gratuity amount and the allied benefits of her deceased husband.

The husband of the petitioner was an approved **Assistant Teacher at Betguri Chaiti T.**

G. Primary School, District – Jalpaiguri. He had died-in-harness on **19.8.2017**.

The ***Pension Payment Order*** was issued by the concerned respondent on **26.6.2019** and **ROPA** part was issued on **18.12.2020**.

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 under **ROPA, 2019** was issued on **18.12.2020**.

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 entitled 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 **February 14, 2020** 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 822 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.)