

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

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07.07.2023
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WPA 1113 of 2023

**Sushma Ekka
Vs.
The State of West Bengal & Ors.**

Mr. Debojit Kundu
...for the petitioner

**Mr. Subir Kumar Saha
Ms. Bedashruti Bose**
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

The grievance of the writ petitioner is non-payment of interest on arrear pension from the date following the death of mother of the petitioner who was in receipt of family pension in view of death of father of the petitioner on 17th April, 2004. Father was a assistant teacher of primary school who retired on superannuation on 30th April, 1991. After superannuation father received pension and he died on 17th April, 2004. Thereafter mother of the petitioner received family pension till her death on 5th July, 2013.

Petitioner is an unmarried daughter of the deceased primary teacher who was allowed to receive family pension as per Pension Payment Order dated 8th August, 2022. Petitioner claims interest on arrear family pension in consideration of fact the petitioner

was entitled to receive family pension from the date following the date of death of the mother of the petitioner.

On making application by the petitioner to the concerned respondent authority Pension Payment Order was issued vide memo dated 8th August, 2022 allowing family pension in favour of the petitioner with effect from 6th July, 2013.

In view of aforesaid chronology of facts it appears that petitioner being the unmarried daughter of the deceased primary teacher ought to have been allowed family pension from the date following the death of mother of the petitioner. However, family pension was sanctioned in favour of the petitioner with effect from 6th July, 2013 vide Pension Payment Order dated 8th August, 2022.

It is also required to be noted herein that the entitlement to receive family pension being an unmarried daughter has been provided in the Government memorandum dated 13th April, 2010. Therefore, it appears at the time of death of the mother of the petitioner she was entitled to receive family pension in terms of the Government memo dated 13th April, 2010.

Accordingly, it is found that petitioner is entitled to receive interest on arrear family pension

from the date following the death of mother of the petitioner.

Accordingly, Director of Pension Provident Fund and Group Insurance, West Bengal and concerned Treasury Officer are directed to pay interest @8% p.a. on arrear pension to the petitioner from the date following the death of mother of the petitioner till the date of release of the same, within a period of 8 (eight) weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)