

06.01.2023
Item No.11
Court No.2
Susanta

W.P.A. 2480 of 2022

Kamal Kumar Dey Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Sandip Ghosh
.....for the petitioner.
Mr. Hirak Barman
Mr. Pretom Das
.....for the State.

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

The petitioner was an approved Assistant Teacher of a secondary school and retired from his said service on superannuation on September 30, 2008.

The first pension payment order of the petitioner was issued on September 24, 2008.

Under the ROPA Rules, 2009, there was revision of the pension, gratuity and computation of pension of the pensioners vide Memorandum of the Government of West Bengal bearing No. 72-SE(B)/IM-4/2009 dated May 19, 2009 and the revised pension payment order of the petitioner under ROPA, 2009 was issued on April 07, 2010 and in terms whereof, the petitioner received the arrear pension and gratuity on June 09, 2010.

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

Learned advocate for the State-respondents does not oppose the prayer of the petitioner.

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 arrear pension and revised gratuity @ 8% per annum from the date of notification of the aforesaid Government order i.e. May 19, 2009 till the date of payment of revised arrear pension and revised gratuity 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. 2480 of 2022 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.)