

06.01.2023  
Ct. 1  
D/L 53  
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT**  
**AT JALPAIGURI**

**WPA 2609 of 2022**

**Basanti Mohanta**  
**-Vs-**  
**The State of West Bengal & Ors.**

Mr. Sanjay Mazoomder,  
Ms. Sukanya Adhikary

... for the petitioner

Mr. Hirak Barman,  
Mr. Pretom Das

... for the State

The affidavit of service is taken on record.

The husband of the petitioner was an approved Assistant Teacher of a primary school and died-in-harness on 26.05.2018.

The first pension payment order under ROPA, 2009 concerned was issued on 23<sup>rd</sup> March, 2020.

In terms whereof, the petitioner received the arrear family pension and gratuity on 04.06.2020.

The petitioner in the instant writ petition is claiming that she is entitled to interest for the delayed payment of the said gratuity and arrear family 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 gratuity and arrear family pension @ 8% per annum from the date of death of her husband i.e. 26<sup>th</sup> May, 2018 till the date of payment of gratuity and arrear family pension in terms of the said 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.

WPA 2609 of 2022 stands disposed of with the above directions.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

( **Moushumi Bhattacharya, J.**)