

13.01.2023
Item No.09
Court No.2
AJ.

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

W.P.A. 3425 of 2022

Dipali Roy

-Vs-

The State of West Bengal & Ors.

Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikary.
.....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 husband of the petitioner was an approved Assistant Teacher of a secondary school and died in harness on July 17, 2019.

The first pension payment order of the employee concerned was issued on December 24, 2019.

Under the ROPA Rules, 2009, there was revision of the pension, gratuity and computation of pension of the employee concerned vide Memorandum of the Government of West Bengal bearing No. 73-SE(B)/IM-4/2009 dated May 19, 2009 and the pension payment order of the employee concerned under ROPA, 2009 was issued on December 24, 2019, in terms of the said pension payment order under ROPA 2009, the petitioner received the arrear family pension and gratuity on February 07, 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 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 revised arrear pension @ 8% per annum from the date of notification of the aforesaid Government order under ROPA 2009 till the date of payment of gratuity and arrear 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.

W.P.A. 3425 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.)