

15.05.2024
(D/L-151)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 908 of 2024

Bhanumati Mahata

-Vs-

The State of West Bengal & Ors.

Mr. Uttam Kuamr De.

.....for the petitioner.

Mr. Rezaul Hossain,

.... 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 Non-Teaching Staff (Clerk) of a secondary school and retired from his said service on superannuation on July 31, 2017 and died on July 10, 2018.

The first pension payment order of the employee concerned was issued on July 11, 2017.

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. 73-SE(B)/IM-4/2009 dated May 19, 2009 and the revised pension payment order of the employee concerned under ROPA, 2009 was issued on April 25, 2021, in terms of the said revised pension payment order, the petitioner received the revised arrear pension and gratuity on May 03, 2021.

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 revised gratuity and arrear pension @ 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 gratuity and revised arrear pension 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. 908 of 2024 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.)