

15.05.2024
Item No.203
Court No.18
SK

W.P.A. 6949 of 2024

Nilima Jana
-Vs-
The State of West Bengal & Ors.

Mr. Sudipta Maiti
.....for the petitioner.
Ms. Pratiti 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
Head Teacher of a secondary school and retired from
his said service on superannuation on September 30,
2006 and expired on May 06, 2011.

The first pension payment order of the employee
concerned was issued on September 28, 2006.

Under the ROPA Rules, 2009, there was
revision of the pension, gratuity and computation of
pension of the pensioners and the revised pension
payment order of the employee concerned under
ROPA, 2009 was issued on May 03, 2010, in terms
whereof, the said employee received the revised
arrear family pension and gratuity on July 30, 2010.

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 revised gratuity and revised arrear family 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 family 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. 6949 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.)