

21.5.2024  
(D/L-123)  
Ct.-18  
(SD)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 7284 of 2024

Biswanath Pathak  
Vs  
The State of West Bengal & Ors.

Mr. Arun Khutia

.... For the Petitioner.

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

In spite of service, none appears on behalf of the  
State-respondents.

The petitioner was an approved Assistant Teacher of  
a secondary school and retired from his said service on  
superannuation on January 31, 2017.

The first pension payment order of the petitioner was  
issued on December 27, 2016.

Under the ROPA Rules, 2019, there was revision of  
the pension, gratuity and computation of pension of the  
pensioners vide Memorandum of the Government of West  
Bengal bearing No. 53/ES/P/P&B/10M-99/2019 dated  
February 14, 2020 and the revised pension payment order  
of the petitioner under ROPA, 2019 was issued on  
February 2, 2021, in terms thereof, the petitioner received  
the arrear pension and gratuity on February 22, 2021.

The petitioner in the instant writ petition is claiming  
that he 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.

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. February 14, 2020 till the date of payment of revised gratuity and 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. 7284 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.)**