

20.12.2024
(D/L-86)
Ct.-19
(SG)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A.13974 of 2024

Swapan Ojha & Anr.

Vs

The State of West Bengal & Ors.

Mr. Anirban Chakraborty

.... For the Petitioner.

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

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

The husband of the petitioner no. 1 and the father of the petitioner no. 2 was an approved Assistant Teacher of a Primary school, the said teacher died-in-harness on February 10, 2017.

The Pension Payment Order of the employee concerned was issued on November 13, 2017 in pursuance whereof the petitioners received the gratuity and arrear family pension on December 17, 2017.

In the instant writ petition the prayer of the petitioners is a writ of mandamus be issued commanding the respondents to pay interest on the said amount of arrear family pension and gratuity for the delayed payment.

It is now well settled that the petitioner is entitled to the interest, as prayed for.

The respondents, the concerned Treasury Officer in particular are, therefore, directed to pay interest @ 8% per annum on the arrear amount of family pension and gratuity from the date of death of the employee concerned till the date of such payment.

The payment as aforesaid shall be made within the period of eight weeks from the date of communication of this order, in default, the said arrear amount shall fetch an additional interest of 2% per annum.

W.P.A. 13974 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.)