

20.12.2024
(D/L-88)
Ct.-19
(SG)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A.14308 of 2024

Swapna Ojha & Anr.

Vs

The State of West Bengal & Ors.

Ms. Swapna Ojha Dey

.... 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 Primary school and he died-in-harness on February 10, 2017.

The first pension payment order of the employee concerned was issued on November 13, 2017.

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&B/10M-99/2019 dated February 14, 2020 and the revised pension payment order of the employee concerned under ROPA, 2019 was issued on April 21, 2022, in terms of the said revised pension payment order, the petitioner received the arrear family pension and gratuity on April 28, 2022.

The petitioners in the instant writ petition are claiming that they are entitled to interest for the

delayed payment of the said gratuity and arrear family pension and are 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 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. 14308 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.)