

24.04.2024
Item No.69
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 13589 of 2023

**Alo Duley
-Vs-
The State of West Bengal & Ors.**

Mr. Krishna Pada Santra.
.....for the petitioner.

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

None appears on behalf of the State respondents in spite of service.

The husband of the petitioner was an approved Group-D staff of a secondary school and died in harness on January 03, 2008.

The first pension payment order of the employee concerned was issued on April 28, 2009.

Under the ROPA Rules, 2009, there was revision of the pension, gratuity and computation of pension of the employee concerned vide Memorandum of the Government of West Bengal bearing No. 73-SE(B)/IM-4/2009 dated May 19, 2009 and the pension payment order of the employee concerned under ROPA, 2009 was issued on March 04, 2013, in terms of the said pension payment order under ROPA 2009, the petitioner received the arrear family pension and gratuity on July 31, 2013.

The petitioner in the instant writ petition is claiming that she is entitled to interest for the delayed payment of the said revised 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 gratuity and revised arrear pension @ 8% per annum from the date of notification of the aforesaid Government order under ROPA 2009 i.e. May 19, 2009 till the date of payment of gratuity and arrear pension in terms of the said 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. 13589 of 2023 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.)