

07.02.2024
Item No.34
Court No.18
AJ.

WPA 13799 of 2022

Bilkis Halder
-Vs-
The State of West Bengal & Ors.

Mr. Anirban Chakraborty.
.....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
Assistant Teacher of a secondary school and retired
from his said service on superannuation on June
30, 2007 and died on November 27, 2011.

The first pension payment order of the employee
concerned was issued on June 27, 2007.

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 February 20, 2013, in terms of the said pension
payment order under ROPA 2009, the petitioner
received the arrear family pension and gratuity on
October 21, 2013.

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
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 i.e. May 19, 2009 till the date of payment of gratuity and arrear family 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. 13799 of 2022 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.)