

07.02.2024
Item No. 50
Court No.18
SK

W.P.A. 14008 of 2022

Arati Guchhait
-Vs-
The State of West Bengal & Ors.

Mr. Biswajit Mal
.....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 Head Teacher of
a secondary school and retired from her said service
on superannuation on July 31, 2006.

The first pension payment order of the
petitioner was issued on August 28, 2006.

Under the ROPA Rules, 2009, there was
revision of the pension, gratuity and computation of
pension of the pensioners vide Memorandum of the
Government of West Bengal bearing No. 73-
SE(B)/IM-4/2009 dated May 19, 2009 and the
revised pension payment order of the petitioner
under ROPA, 2009 was issued on June 11, 2012, in
terms whereof, the petitioner received the gratuity on
August 31, 2012.

The petitioner in the instant writ petition is
claiming that she is entitled to interest for the
delayed payment of the said gratuity 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 @ 8% per annum from the date of notification of the aforesaid Government order i.e. May 19, 2009 till the date of payment of revised gratuity 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. 14008 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.)