

07.02.2024
Item No. 52
Court No.18
SK

W.P.A. 14040 of 2022

Nimai Chandra Dhawa
-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.

In spite of service none appears on behalf of the
State respondents.

The petitioner was an approved Assistant
Teacher of a secondary school and retired from his
said service on superannuation on May 31, 2007.

The first pension payment order of the
petitioner was issued on May 28, 2007.

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 August 06, 2013,
in terms whereof, the petitioner received the arrear
pension on October 21, 2013.

The petitioner in the instant writ petition is
claiming that he is entitled to interest for the delayed
payment of the said 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 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 revised arrear 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. 14040 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.)