

03.04.2024
(D/L-20)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 14969 of 2022

Malati Banik
-Vs-
The State of West Bengal & Ors.

Mr. Sandip Ghosh,
.... 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 March 31, 2010.

The first pension payment order of the
petitioner was issued on March 30, 2010.

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 03, 2013, in
terms thereof, the petitioner received the arrear
pension and gratuity on June 03, 2013.

The petitioner in the instant writ petition is
claiming that he 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 revised gratuity and 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 gratuity and 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. 14969 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.)