

03.04.2024
(D/L-28)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 17541 of 2023

Sikhi Chakraborty
-Vs-
The State of West Bengal & Ors.

Mr. Krishana Pada Santra,
.... For the Petitioner.
Mr. Benazir Ahamed,
.... For the State.

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

The petitioner was an approved Clerk of a
Secondary school and retired from her said service
on superannuation on July 31, 2007.

The first pension payment order of the
petitioner was issued on August 10, 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 October 05, 2012,
in terms thereof, the petitioner received the gratuity
on December 06, 2012.

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

Learned advocate for the State-respondents does not oppose the prayer of the petitioner.

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. 17541 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.)