

20.03.2024
(D/L-39)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 18480 of 2022

Binapani Midya
-Vs-
The State of West Bengal & Ors.

Mr. Tamal Taru Panda.
.....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 husband of the petitioner was an approved
Assistant Teacher of a secondary school and retired
from his said service on superannuation on April 30,
2006 and died on September 21, 2011.

The first pension payment order of the employee
concerned was issued on July 26, 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 employee
concerned under ROPA, 2009 was issued on
September 21, 2012, in terms of the said revised
pension payment order, the husband of the
petitioner received the arrear pension and gratuity on
February 22, 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 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. 18480 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.)