

10.04.2024
Item No.69
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 21961 of 2023

**Krishna Banerjee
-Vs-
The State of West Bengal & Ors.**

Mr. Uttam Kumar Roy.
.....for the petitioner.

Mr. Keshab Chandra Das.
.....for the State.

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

The petitioner was an approved Assistant
Teacher of a secondary school and retired from her
said service on superannuation on December 31,
2009.

The first pension payment order of the
petitioner was issued on December 24, 2009.

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 December 03,
2012 and in terms thereof, the petitioner received the
gratuity on February 06, 2013.

The petitioner in the instant writ petition is
claiming that she 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.

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 and revised arrear pension @ 8% per annum from the date of retirement of the petitioner 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. 21961 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.)