

20.03.2024
Item No.80
Court No.18
AJ.

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

W.P.A. 26802 of 2023

**Nimai Sarkar
-Vs-
The State of West Bengal & Ors.**

Mr. Krishna Pada Santra.
.....for the petitioner.

Ms. Sremoyee Mitra.
.....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 High Madrasah and retired from his
said service on superannuation on September 30,
2017.

The first pension payment order of the
petitioner was issued on September 13, 2017.

Under the ROPA Rules, 2019, there was
revision of the pension, gratuity and computation of
pension of the pensioners vide Memorandum of the
Government of West Bengal bearing No.
53/ES/P/P&B/10M-99/2019 dated February 14,
2020 and the revised pension payment order of the
petitioner under ROPA, 2019 was issued on March
22, 2021 in terms thereof, the petitioner received the
arrear pension and gratuity on on March 22, 2021.

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.

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 notification of the aforesaid Government order i.e. February 14, 2020 till the date of payment of revised gratuity and 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. 26802 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.)