

20.03.2024
Item No.95
Court No.18
SK

W.P.A. 27012 of 2023

Subrata Majumdar & Anr.
-Vs-
The State of West Bengal & Ors.

Mrs. Arpita Saha
.....for the petitioners.
Mr. Vinay Kumar Purohit
... for the State.

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

The wife of the petitioner no. 1 and the mother
of the petitioner no. 2 was an approved Assistant
Teacher of a secondary school and retired from her
said service on superannuation on January 31, 2018
and expired on October 15, 2022.

The first pension payment order of the employee
concerned was issued on May 03, 2018.

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
employee concerned under ROPA, 2019 was issued
on August 23, 2021, in terms whereof, the employee
concerned received the arrear pension and gratuity
on August 24, 2021.

The petitioners in the instant writ petition are
claiming that they are 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 petitioners.

It is now well settled that the petitioners are 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. 27012 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.)