

15.05.2024
Item No.58
Court No.18
AJ.

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

W.P.A. 28824 of 2023

**Malay Patra & Anr.
-Vs-
The State of West Bengal & Ors.**

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

Mr. Vinay Kumar Purohit.
.....for the State.

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

The mother of the petitioners was an approved Group-D staff of a secondary school who died-in-harness on June 28, 2019.

The Pension Payment Order of the concerned employee was issued on March 03, 2021 in pursuance whereof the petitioners received the gratuity and arrear family pension on March 09, 2021.

In the instant writ petition the prayer of the petitioner is a writ of mandamus be issued commanding the respondents to pay interest on the said amount of gratuity and arrear family pension for the delayed payment.

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

It is now well settled that the petitioners are entitled to the interest, as prayed for.

The respondents, the concerned Treasury Officer in particular are, therefore, directed to pay interest @ 8% per annum on the gratuity and arrear family pension amount from the date of death of the employee concerned till the date of such payment.

The payment as aforesaid shall be made within the period of eight weeks from the date of communication of this order, in default, the said arrear amount shall fetch an additional interest of 2% per annum.

W.P.A. 28824 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.)