

20.12.2024
Item No.132
Court No.19
SK

*In The High Court At Calcutta
Constitutional Writ Jurisdiction*
W.P.A. 30192 of 2024

Sutapa Modak & Anr.
-Vs-
The State of West Bengal & Ors.

Ms. Sreyasree Choudhury
.....for the petitioners.
Mr. Kanak Kiran Bandyopadhyay
... for the State.

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

The husband of the petitioner no. 1 and the
father of the petitioner no. 2 was an approved Head
Teacher of a primary school and died-in-harness on
December 28, 2016.

The first pension payment order of the employee
concerned was issued on April 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 March 10, 2022, in terms whereof, the petitioners
received the arrear family pension and gratuity on
March 24, 2022.

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

family pension and are 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 family 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 family 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. 30192 of 2024 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.)