

03.01.2024  
Item No.31  
gd/ssd

WPA/117/2022  
URMILA DAS  
VS  
STATE OF WEST BENGAL & ORS.

Mr. Debjit Kundu  
..for the Petitioner.

Mr. Pretom Das,  
Mr. Sourava Sarkar  
..for the State.

The husband of the petitioner who was an approved Assistant Teacher of primary school retired from service on superannuation on June 30, 2007.

The first pension payment order was issued on 17<sup>th</sup> June, 2007 and the husband of the petitioner died on 12<sup>th</sup> June, 2011.

Under the ROPA Rules 2009 there was a provision for revision of pension, gratuity and computation of pension of the petitioner vide Memo of Government of West Bengal bearing No.72-SE(B)/IM-4/2009 dated May 19,2009 and the revised Pension Payment Order under ROPA 2009 Rules was issued in favour of the petitioner on November 14, 2012.

The petitioner claims to have received the arrear pension and gratuity in terms of the revised Pension Payment Order on March 2, 2013.

The petitioner is claiming interest for the delayed payment of arrear pension.

The learned Advocate appearing for the petitioner places reliance upon a decision of the Coordinate Bench dated January 6, 2023 in WPA 2480 of 2022 in the case of *Kamal Kumar Dey Sarkar v. State of West Bengal and ors.* and submits that a direction may be passed upon the authorities to pay interest on the revised arrear pension and revised gratuity at the rate of 8 per cent per annum from the date of Snotification of the aforesaid Government order i.e. May 19, 2009 till the date of payment of the revised arrear pension and revised gratuity in terms of the revised Pension Payment Order.

The learned Advocate appearing for the State does not oppose the prayer of the petitioner. The learned Advocate for the State has not submitted any decision contrary to the aforesaid decision of the Coordinate Bench which has been relied upon by the petitioner.

In view thereof, WPA 117 of 2022 is disposed of by directing the respondent authorities to pay interest on the revised arrear pension and revised arrear gratuity at the rate of 8 per cent per annum with effect from May 19, 2009 till the date of payment of the revised arrear pension and revised

arrear gratuity in terms of the revised Pension Payment Order.

The payment as directed by this Court shall be made within a period of 12 weeks from the date of receipt of the server copy of this order.

In default, the said arrear amount shall fetch an additional interest of 2 per cent per annum.

**(HIRANMAY BHATTACHARYYA, J.)**