

14.03.2024
Item No.07
Court No.02
AJ.

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. 564 of 2024

Sibaji Kumar Dutta

-Vs-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty.

.....for the petitioner.

Mr. Subir Kumar Saha, Ld. A.G.P.,

Mr. Sourav Sarkar.

.....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 Primary School and retired from his said
service on superannuation on April 30, 2018.

The first pension payment order of the
petitioner was issued on May 21, 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
petitioner under ROPA, 2019 was issued on
December 16, 2021 in terms of the said revised
pension payment order, the petitioner received the
arrear pension and gratuity on January 02, 2022.

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 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 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. 564 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.)