

S/L 58
26.03.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 6443 of 2024

Mili Malakar

Vs.

The State of West Bengal & Ors.

Ms. Sudipa Biswas

...for the Petitioner.

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

In spite of service, none appears on behalf of the State-respondents.

The husband of the petitioner was a Head Teacher of a primary school who died-in-harness on January 24, 2018.

The first pension payment order of the employee concerned was issued on March 01, 2019.

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 January 28, 2021, in terms thereof, the arrear pension and gratuity was disbursed on February 13, 2021.

The petitioner in the instant writ petition is claiming that she 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.

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.

WPA 6443 of 2024 stands disposed of with the above directions without any 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.)