

S/L 78
19.05.2025
Court No.2
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 1102 of 2025

Abdulla Mia

-Vs-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty,

.... For the Petitioner.

Mr. Momenur Rahaman,

Mr. Kumar Shantanu,

.... 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 Secondary school, he, on attaining the age of superannuation had retired from his said service on April 30, 2007.

The first pension payment order of the petitioner was issued on May 14, 2007.

Under the ROPA Rules, 2009, there was revision of the pension, gratuity and computation of pension of the pensioners vide Memorandum of the Government of West Bengal bearing No. 73/SE(B)/JM-4/2009 dated May 19, 2009 and the revised pension payment order of the petitioner under ROPA, 2019 was issued on January 24, 2012, in terms thereof, the petitioner received the arrear pension and gratuity on February 04, 2012.

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. May 19, 2009 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 1102 of 2025 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.)