

11.12.2020.

W.P.A. 10260 of 2020

Asoka Mandal Vs The State West Bengal & Ors.

**Mr. Sourav Mitra
Mr. Biswajit Mal**

... For the Petitioner.

No one appears for the State when the matter is called on for hearing.

Affidavit of service filed in Court today is kept with the record.

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner's husband was a Head Teacher of a Primary School, and he retired from service on 31.10.2009 and died on 11.05.2019. The first pension payment order was issued on 21.10.2009. Under the ROPA Rules, 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 14.03.2012 and the arrear pension was disbursed on 28.06.2012 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension.

I have heard learned counsel for both parties and I have considered the orders passed by this court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of

arrear pension.

There is a considerable delay in filing of the writ petition, which the petitioner seeks to justify by stating that there is no statutory period of limitation and neither parties have suffered due to this delay. It is the submission of the petitioner that accordingly the petition should be allowed. The petitioner relies upon an order in **W.P. No. 6649 (W) of 2019 (Padma Nath Vs. State of West Bengal & Ors.)** wherein a co-ordinate Bench had relied upon the Supreme Court judgement in the case of **Union of India Vs. Tarsem Singh**, reported in **(2008) 8 S.C.C. 648** on the issue of limitation relating to payment on re-fixation of pay or pension wherein the Apex Court had held that relief may be granted in spite of delay as it does not affect the rights of the third party.

In view of the aforesaid, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 8% percent per annum on the revised arrear pension calculated on and from 01.11.2009 till actual date of payment. Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not

to have been admitted by the respondents.

The writ petition is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Rajarshi Bharadwaj, J.)