

WPA 10672 of 2020

Mamata Roy

- Versus -

The State of West Bengal & Ors.

Mr. Banshi Badan Maity

.....For the petitioner

Affidavit-of-service filed in Court 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 an Assistant Teacher of a Primary School, South 24 Parganas who retired from service on 31.05.1994 and died in-harness on 03.10.1996. The first pension payment order was issued on 28.05.1999. Under the ROPA Rules, 1998, there was revision of the pensionary and arrear pension amount payable to the petitioner. The revised arrear pension amount order was issued on 14.05.2003 and the revised arrear pension amount was disbursed on 22.08.2003 in terms of ROPA, 1998. The petitioner claims interest on delayed payment of the revised arrear pension amount.

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 amount.

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. 17557 (W) of 2017 (Narayan Chandra Saha 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 or refixation 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 @ 8% per annum on the revised arrear pension amount calculated on and from 01.04.1998 till the date of payment.

Such payment is to be made within eight weeks from the date of communication of this order to the concerned authorities.

This writ petition is, thus, disposed of.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent photostat certified copy, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)