

Sl No.5
20.02.2020.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 452 of 2020
Pramila Roy Sarkar
-versus
The State of West Bengal & Ors.**

Mr. Deborshi Dhar
... for the petitioner.

Mr. Debabrata Dhar, Id AGP
Mr. Paramita Sahu
... for the State respondents.

The husband of the petitioner was an Assistant Teacher of a primary school. He died-in-harness on October 2, 2009. The Pension Payment Order was issued in the name of the deceased teacher on October 12, 2010 and the pension was released on December 31, 2010. The petitioner prays for interest on account of the delay in payment of the 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.

The petitioner relies upon an order in W.P. 17557(W) of 2017 (Narayan Chandra Saha v. State of West Bengal & Ors.) wherein a co-ordinate Bench had relied upon the Supreme Court judgment in the case of Union of India v. Tarmen Singh, reported in (2008) 8 S.C.C. 648 on the issue of limitation relating to payment of 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 above and after hearing the learned counsel for the parties, 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 petitioner @ 9% per annum on the arrear pension amount calculated from the due date till the date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

This writ petition being WPA 452 of 2020 is disposed of accordingly.

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

Urgent Photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

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(Amrita Sinha, J.)