

09.02.2021.

W.P.A. 688 of 2021

Asma Bibi (Khatun)
Vs
The State West Bengal & Ors.

Mr. Ashim Kumar Haldar
Mr. Anirban Saha
... For the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
... For the D.P.S.C., South 24-Parganas.

Mr. Anirudha Mohanta
... For the State.

Leave is granted to the petitioner to correct the cause title.

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

The husband of the petitioner, Late Md. Omar Faruk was an Assistant Teacher of a Primary School, South 24 Parganas, who died-in-harness on 27.12.2013. However, the concerned authorities delayed and released the gratuity and arrear pension amount of deceased husband of the petitioner on 4th June, 2019. The petitioner herein seeks interest to be paid on the gratuity and arrear pension for the interim period of delay in receipt of the gratuity and 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. No. 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 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 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 @ 8% per annum on the gratuity and arrear pension amount calculated from 28th December, 2013 till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is accordingly disposed of without however, any order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties upon

compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)