

WPA 720 of 2021

**Surendra Nath Jana
Vs
The State West Bengal & Ors.**

**Mr. Sourav Mitra,
Mr. Sandip Ghosh,
Mr. Biswajit Mal,
Ms. Sanchaitya De,
Mr. Tamal Taru Panda,
... For the Petitioner.
Ms. Kakali Samajpati,
...For the State.**

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

The learned Counsel appearing for the petitioner submits that the petitioner is a retired teacher of a Primary School, who retired on 3rd August, 1994 and received his pension after completing his pension related formalities. However the concerned authorities delayed to release his arrear pension amount and ultimately the pension was released on 31st December, 2001. The petitioner preferred an application before this Hon'ble Court in the month of December, 2020 long after 20 years and seeks interest to be paid on arrear pension for the interim period of delay of seven years, i.e. from 3rd August, 1994 to 31st December, 2001.

Ms. Samajpati, learned Counsel appearing for the State submits that the writ petition is filed after twenty years and should be dismissed in limine. Relying on Government orders dated 17th April, 2017, 26th May, 1998 and 12th August, 1998, the learned Counsel

submits that a preliminary enquiry has to be entered into whether the latches for release of pension are on account of delay and negligence on the part of the Government authorities or the petitioner and prays for filing of an opposition to unearth the truth.

Heard both the parties.

The petitioner is a retired Government employee, who has attained the age of 86 years and is surviving on meager pension that he receives from the Government. Thousands of orders have been passed by this Court allowing interest on delayed payment of pension and gratuity and such expectation leads in filing of a writ petition by this poor pension holder for some extra interest from the Government. There is no denying of the fact, that there is considerable delay in filing of this writ petition which the petitioner seeks to justify. As there is no statutory period of limitation and no other person is effected by the delay, the writ petition is allowed in the light of 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, 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 @6% per annum on arrear pension amount calculated from 01.09.1994 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.

The writ petition is disposed of, however, no order as to costs.

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

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.)