

Bela Chakraborty Vs The State West Bengal & Ors.

Mr. Satyaranjan Kundu
... For the Petitioner.

Ms. Susmita Biswas
... For the State.

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

Learned Advocate appearing for the petitioner submits that having attained the age of superannuation, the petitioner retired from service as an Assistant Teacher of the School in question on 31.03.2008. pension payment order was first issued in favour of the petitioner on 08.04.2008 and revised pension payment order on 24.09.2013 and retirement benefit of the petitioner was released on 19.05.2008 and on 30.12.2013.

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 both 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 @ 6% per annum on the gratuity and arrear pension calculated from 31.03.2008 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.)