

20.01.2021
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W.P.A. No. 1312 of 2021

Nitai Chand Kule
Vs.
The State of West Bengal & ors.

Mr. Banshi Badan Maity
... For the petitioner

Mr. Jaydip Basu
....For the State

Affidavit of service filed in court today is taken on record.

The petitioner retired from service on 31.12.1998 from the concerned school. The first pension payment order was issued on 12.06.2001. under the ROPA Rules, 1998 there was revision of the pensionary and gratuity amount and payable to the petitioner. the revised pension payment order was issued on 21.03.2002 and the revised gratuity amount was disbursed on 13.05.2002 in terms of ROPA, 1998 belatedly. The petitioner claims interest on delayed payment of the revised gratuity 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 dated October 25, 2017 passed in W.P. No. 17557 (W) of

2017 (Narayan Chandra Saha Vs. State of West Bengal & Ors.) wherein a co-ordinate Bench of this Court had relied upon a 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 of 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 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 petitioner @ 8% per annum on the revised gratuity as well as arrear pension amount calculated on and from 01.01.1999 till the date of payment.

The writ petition is, thus, disposed of.

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.)