

20.01.2021
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(adeb)

W.P.A. No. 1319 of 2021

Malati Das
Vs.
The State of West Bengal & ors.

Mr. Banshi Badan Maity
... For the petitioner

Ms. Shabana Hasin
....For the State

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

The husband of the petitioner was a Head Teacher of a Primary School, who retired from service on 01.01.1990 and died on 16.02.2008. The petitioner had completed all pension-related formalities. The pension payment order was issued on 20.08.1996. However, the concerned authorities delayed and released the arrear pension on 08.11.1996. The petitioner herein seeks interest to be paid on the arrear pension amount for the interim period of delay in receipt of the 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

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 arrear pension amount calculated from 02.01.1990 till the date of payment. Such payment is to be made within eight weeks from the date of communication of this order.

The writ petition is accordingly disposed of without however, any 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.)