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(adeb)

**W.P.A. No. 1323 of 2021**

Reba Mandal  
Vs.  
The State of West Bengal & ors.

Mr. Banshi Badan Maity  
... For the petitioner

Ms. Susmita Biswas Chowdhury  
.... For the State

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

The petitioner's husband was appointed as an Assistant Teacher of a Primary School. The petitioner's husband retired from service on 30.06.2006. The petitioner's husband died on 09.04.2015. The first pension payment order was issued on 16.06.2006 under the ROPA Rules, 2009. There was revision of the pensionary and gratuity amount payable to the petitioner. the revised pension payment order was issued on 21.09.2013 and the revised arrear pension amount was disbursed on 05.12.2013 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised 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 @ 6% per annum on the revised arrear pension amount calculated from 19<sup>th</sup> May, 2009 till actual date of payment. Such payment is to be made within 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.)**