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Sl. 336
Ct. 15

W.P.A 1613 of 2021

Maya Naskar
Vs.
The State of West Bengal & Ors.

Mr. Banshi Badan Maity
..for the petitioner

Mr. Anubrata Santra
..for the State

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

The husband of the petitioner was an Assistant Teacher of a Primary School, who retired from service on 27.08.1989 and died on 30.07.2015. The petitioner had completed all pension-related formalities. The pension payment order was issued on 07.02.1996. However, the concerned authorities delayed and in releasing the arrear pension on 27.03.1996. 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 in W.P. 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 the petitioner, 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 arrear pension calculated from 28.08.1989 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.

This 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 photostat certified copy, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)