

20.01.2021
jks
Sl. 354
Ct. 15

W.P.A. 1662 of 2021

**Bisweswar Nayak
Vs.
The State of West Bengal & Ors.**

Mr. Biswajit Mal

.....For the Petitioner

Ms. Susmita Biswas Chowdhury

..For the State

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

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner was appointed as an Assistant Teacher of a Primary School who retired from service on 30.04.2009. The first pension payment order was issued on 25.11.2009 under the ROPA Rules, 2009 the pension payment order towards revised benefits was issued on 20.05.2013 and the benefits of revised gratuity and arrear pension amount was disbursed on 31.08.2013. The petitioner claims interest on delayed payment of the revised gratuity and 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 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 writ petitioner @ 8% per annum on the revised gratuity and arrear pension amount calculated from 01.06.2009 till the date of actual 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.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)