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WPA 2379 OF 2021

(Via Video Conference)

Ashma Khatoon

Vs.

The State of West Bengal & Ors.

Mr. Biswajit Mal

... for the Petitioner.

Mr. Asit Baran Mukherjee

... for the State.

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

The husband of the petitioner was a Head Teacher of a Primary School who died-in-harness on 04.11.1998. The petitioner had completed all pension related formalities. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 2.07.2001. The petitioner herein seeks interest to be paid on the gratuity and arrear pension amount for the interim period of delay in receipt of the 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 judgment in the case of Union of India vs. Tarsem Singh, reported in (2008) 8 SCC 648 on the issue of limitation relating to payment or refixation 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 parties, 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 gratuity and arrear pension amount calculated from 05.11.1998 till actual date of payment.

Such payment is to be made within eight weeks from the date of communication of this order to the concerned authorities.

This writ petition is accordingly disposed of, however, without any order as to costs.

Since, no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajarshi Bharadwaj, J.)