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WPA 2438 OF 2021
(Via Video Conference)

Sk. Fazlul Haque
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Mal

... for the Petitioner.

Mr. Aswinin Kumar Bera

... for the State

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

The petitioner was a Head Teacher of a Primary School who retired from service on 30.04.2001. The petitioner had completed all pension related formalities. The Pension Payment Order was issued on 31.3.2002. However, the concerned authorities delayed and released his gratuity amount on 30.06.2005. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the gratuity 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. Tarmen 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 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 the gratuity amount calculated from [01.05.2001](#) 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.

Since, no affidavit-in-opposition 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.)