

226 05.02.2021
Sc

WPA 2462 OF 2021

(Through Video Conference)

Nurnahar Begam
Vs.
The State of West Bengal & Ors.

Md. Yusuf Ali

... for the Petitioner

None appears for the State when the matter is called on for hearing.

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

The petitioner's husband was a Head Teacher of a Primary School who retired on 31.01.2009. The petitioner's husband died on 08.06.2013. The petitioner's husband had completed all pension-related formalities. The Pension Payment Order was issued on 21.09.2011. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 30.11.2011. The petitioner herein seeks interest to be paid on 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. 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 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 on and from 1.02.2009 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.

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

(Rajarshi Bharadwaj, J.)