

225 05.02.2021
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WPA 2458 OF 2021

(Through Video Conference)

Santa Choudhury

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 mother of the petitioner became medically unfit on 04.11.2009. The first Pension Payment Order was issued on October 7, 2015. There was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on December 17, 2015 and the arrear pension amount was disbursed on 14.1.2016 and 01.3.2016 in terms of ROPA, 2009 belatedly. The petitioner claims interest on delayed payment 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 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 revised arrear pension amount calculated on and from 05.11.2009 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.)