

12.02.2021

WPA 3496 of 2021

Probhat Kumar Samanta
Vs
The State West Bengal & Ors.

Mr. Pritikana Gantait
... For the Petitioner.

Mr. Subrata Das Gupta
.. ...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 retired from service on 31.08.1997 from the concerned school. The first pension payment order was issued on 03.09.1998 under the ROPA Rules, 1998 there was revision of the pensionary and gratuity amount and arrear pension amount and payable to the petitioner. The revised arrear pension payment order was issued on 13.03.2002 and the arrear gratuity and pension amount was disbursed on 05.06.2002 in terms of ROPA, 1998 belatedly. The petitioner claims interest on delayed payment 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 of the parties has 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. No. 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 01.04.1998 till the date of actual payment within eight weeks from the date of communication of this order to the concerned authorities.

The writ petition is disposed of.

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.)