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12.02.2021

WPA 3789 of 2021

**Prativa Rani Khatua
Vs
The State West Bengal & Ors.**

Mr. Goutam Kumar Maity ... for the Petitioner

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

The husband of the petitioner was an approved Assistant Teacher of a Primary school, who retired from service on 31.12.1987. The petitioner had completed all his pension-related formalities prior to his retirement. However, the concerned authorities delayed and released his gratuity amount and arrear pension on 13.01.1995. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the gratuity amount and arrear pension.

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 coordinate 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 on 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 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 amount and arrear pension calculated from 01.01.1988 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 is called for, the allegations made in the writ petition are deemed to have been denied by the respondents.

Urgent photostat certified copy, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)