12.2.2021
314,ct.15
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W.P.A.4043 of 2021
Rupchand Saren
Vs.
The State of West Bengal & Ors.

Ms. Dipa Bhattacharyya
...for the petitioner.

Mr. Avijit Sarkar
......for the State.

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

The material facts of the case are admitted and hance I have not called for affidavits.

The petitioner was an Assistant Teacher of a Primary School and he retired from service on **28.02.2007**. The first pension payment order was issued on **21.02.2007.** Under the ROPA Rules, 2009, there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on **20.05.2013** and the arrear pension amount and gratuity was disbursed on **21.10.2013** in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension amount and gratuity.

I have heard learned counsel for both parties and I have considered the orders passed by this court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of arrear pension and gratuity.

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.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 arrear pension and gratuity amount calculated on and from **19.05.2009** 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.

The writ petition is, thus, disposed of.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)