

12.2.2021
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W.P.A.4244 of 2021
Gopal Chandra Gayen
Vs.
The State of West Bengal & Ors.

Mr. Tamaltaru Panda
...for the petitioner.
Mr. Ajoy Kr. Bhar
.....for the State.

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

The petitioner was an employee of the School in question and retired from service on **30.07.2009**. The first pension payment order was issued on **18.12.2009**. 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 **20.06.2012** and the revised arrear pension amount was disbursed on **19.09.2012** in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised 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.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 concerned Treasury Officer, Kakdwip to pay interest to the writ petitioner @ 8% per annum on the revised arrear pension amount calculated on and from **19.05.2009** till actual date of payment.

The 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.

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.)