

27.01.2021

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W.P.A. 2981 of 2020

Ava Midya

Vs.

State of West Bengal & ors.

Ms. Sanchayita De ... For the petitioner

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

The petitioner's husband was an Assistant Teacher of a High School, who died in harness on August 23, 2011. The petitioner had completed all pension-related formalities. However, the concerned authorities delayed and released gratuity and arrear pension amount on May 30, 2007. The petitioner herein seeks interest to be paid on the gratuity and arrear pension amount for the interim period of delay in receipt 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 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 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 refixation of pay or pension wherein the Apex Court had held that relief may be granted inspite 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 and arrear pension amount calculated from August 23, 2011 till the date of 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 accordingly disposed of.

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 handed over to the parties on compliance of necessary formalities.

(Shekhar B. Saraf, J.)