

05.03.2021
adeb
Sl. 220
Ct. 15

W.P.A. 4907 of 2021

**Sailendra Nath Mandal
Vs.
The State of West Bengal & Ors.**

Ms. Moumi Yasmin
.....for the Petitioner

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 was appointed as an Assistant Teacher of a Primary School, who retired from service on 31.10.2007. The first pension payment order was issued on 25.06.2008. Under the ROPA Rules, 2009 the pension payment order towards revised benefits was issued on 20.08.2013 and the benefits of revised arrear pension and gratuity amount was disbursed on 25.10.2013. The petitioner claims interest on delayed payment of the revised arrear pension and gratuity 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 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 petitioner @ 8% per annum on arrear pension and gratuity amount calculated on and from 19th May, 2009 till actual 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 denied.

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

(Rajarshi Bharadwaj, J.)