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05.03.2021.

W.P.A. 4963 of 2021

Kananbala Tikadar 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 Assistant Teacher of a Primary School. The husband of the petitioner died on 14.01.1991. The petitioner had completed all his pension-related formalities. The pension payment order was issued on 16.02.1998. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 22.07.1998. 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 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 Judgement/order in **W.P. No. 6649 (W) of 2019 (Padma Nath Vs. State of West Bengal & Ors.)** of the co-ordinate Bench in support of his submission.

In view of the above and after hearing the learned Counsel for the petitioner, 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 15.01.1991 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 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 certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)