

WPA 5050 of 2021

Mrinal Dolai

- Versus -

The State of West Bengal & Ors.

Mr. Biswajit Mal

.....For the petitioner

Mr. Golam Mohammad

..For the State

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

The petitioner's father was a Peon of Subarnarekha Mahavidyalay who retired on 30.11.2013. The petitioner's father died on 17.12.2014. The petitioner's father had completed all pension-related formalities. However, the concerned authorities delayed and released the gratuity amount on 24.08.2016. The petitioner herein seeks interest to be paid on the 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 refixation 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 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 writ petitioner @ 8% per annum on the gratuity amount calculated on and from 01.12.2013 till the date of actual payment.

Such payment is to be made within eight weeks from the date of communication of this order.

This writ petition is disposed, however, no order as to costs.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed to have been denied.

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

(Rajarshi Bharadwaj, J.)