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WPA 5292 of 2021

**Binapani Sen
Vs
The State West Bengal & Ors.**

**Mr. Banshi Badan Maity
... For the Petitioner.
Mrs. Debarati Sen (Bose),
...For the State.**

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

The husband of the petitioner was appointed as a head Teacher of a Primary School, who retired from service on 30.06.1998. The husband of the petitioner died on 16.07.2017. The first pension payment order was issued on 11.08.2000. Under the ROPA Rules, 1998 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 19.02.2002 and the revised arrear pension amount was disbursed on 31.03.2002 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised gratuity and revised 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 of the parties has 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 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 revised gratuity and revised arrear pension amount calculated from 1.07.1998 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 to the concerned authorities.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

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

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.)