

12.03.2021
A.Deb
Sl. 33
Ct. 15

WPA 5738 of 2021

**Md. Abdul Bari Mallik
Vs.
The State of West Bengal & Ors.**

Mr. Tamal Taru Panda
.....For the Petitioner

Ms. Bineeta Bhattacharjee
... For the State

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 an employee of the school in question and retired from service on 30.11.1998. The First pension payment order was issued on 14.03.2002. 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 24.12.2002 and the revised arrear pension amount was disbursed on 31.03.2003 in terms of ROPA, 1998. The petitioner claims interest on delayed payment of the 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 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 concerned Treasury Officer to pay interest to the petitioner @ 8% per annum on the revised arrear pension amount calculated on and from 01.12.1998 till actual date of payment.

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, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)