

12.03.2021
adeb
Sl. 58
Ct. 15

W.P.A 5787 of 2021

**Rajlakshmi Roy
Vs.
The State of West Bengal & Ors.**

Ms. Sanchayits De

..for the petitioner

Mr. Sanatan Panja

..for the State

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

The petitioner's husband was a Head Teacher of a Primary School. The petitioner's husband retired from service on 30.06.1997. The petitioner's husband died on 24.06.1998. The first pension payment order was issued on 24.05.1999. 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 11.02.2004 and the revised arrear pension amount was disbursed on 28.04.2004 in terms of ROPA, 1998. The petitioner claims interest on delayed payment 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 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 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 revised arrear pension amount calculated on and from 01.04.1998 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 of, however, no order as to costs.

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

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

(Rajarshi Bharadwaj, J.)