

12.03.2021
A.DeB
Sl. 79
Ct. 15

W.P.A 5822 of 2021

**Malati Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Rajesh Kumar Shah

..for the petitioner

Md. Mansoor Alam

..for the State

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

The petitioner's husband was an approved HeadTeacher of a Primary School, who retired from service on 30.06.1998 and died on 20.09.2000. The petitioner's husband had completed all pension related formalities prior to his retirement. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 16.02.2002. The petitioner claims interest on delayed payment of the gratuity and 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 gratuity and arrear pension amount calculated on and from 01.07.1998 till actual date of payment.

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

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

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

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

(Rajarshi Bharadwaj, J.)