

12.03.2021
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(adeb)

W.P.A. No. 5892 of 2021

Prasanta Kumar Giri
Vs.
The State of West Bengal & ors.

Mr. Biswajit Mal
... For the petitioner

Mr. Parijat Som
....For the State

Affidavit of service filed in court today is taken on record.

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner was an Assistant Teacher of the school, who retired from service on 31.01.2009. The first Pension Payment Order was issued on 29.05.2009 under the ROPA Rules, 2009. The pension payment order towards revised benefits was issued on 09.07.2013 and the benefits of revised arrear pension amount was disbursed on 03.09.2013. 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 refixation of pay or pension wherein the Apex Court had held that relief maybe granted in spite of delay as it does not affect the rights of the third party.

In view thereof, 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 19th May, 2009 till actual date of payment.

This writ petition is, thus, disposed of.

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

There will, however, be 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.)