

26.03.2021
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W.P.A. 4398 of 2020

Parul Koley & anr.
Vs.
State of West Bengal & ors.

Mr. Uttam Kr. Roy ... For the petitioners

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

The petitioners' husband was a Head Clerk of a High School, who retired from service on July 31, 1990 and died on September 28, 1999. The petitioners' husband had completed all pension-related formalities. However, the concerned authorities delayed and released arrear pension amount on December 26, 1999. The petitioners herein seek interest to be paid on the arrear pension amount for the interim period of delay in receipt 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 refixation of pay or pension wherein the Apex Court had held that relief may be granted inspite 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 petitioners, 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 petitioner @ 8% per annum on the arrear pension amount calculated from September 1, 1990 till the date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

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 of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(Shekhar B. Saraf, J.)