

WPA 6311 of 2021

Susama Samanta
Vs
The State West Bengal & Ors.
Mr. S. Ghosh,
... For the Petitioner.
Mr. Bibekananda Tripathy,
...For the State.

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

The husband of the petitioner was an assistant Teacher of a Primary School, who retired from service on 30.09.2009. The husband of the petitioner died on 26.07.2017. The first pension payment order was issued on 26.10.2009. Under the ROPA Rules, 2009 pension payment order toward revised benefits was issued on 07.08.2012 and the benefits of gratuity amount and revised arrear pension amounts were disbursed on 10.09.2012. The petitioner claims interest on delayed payment of the revised arrear pension and revised gratuity 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 of the parties has 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. No. 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 petitioner, 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 revised gratuity and revised arrear pension amount calculated from 1.10.2009 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.

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

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

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.)