

19.03.2021
A.Deb
Sl. 86
Ct. 15

WPA 6643 of 2021

**Pratima Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Biswajit Mal

.....For the Petitioner

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

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

The petitioner's was an approved Assistant Teacher of a Primary School. The petitioner's father retired from service on 28.02.1992. The petitioner's father and mother died on 15.06.2008 and 07.07.2010. The first pension payment order was issued on 05.02.2002. Under the ROPA Rules 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 08.11.2013 and the revised gratuity and arrear pension amount was disbursed on 17.02.2014 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised 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 on 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 petitioner @ 8% per annum on the revised gratuity amount and arrear pension calculated from 01.03.1992 till the date of actual 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 disposed of, however, no order as to costs.

Since no affidavit-in-opposition 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 given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)