

19.03.2021.

W.P.A. 6772 of 2021

Madan Mohan Mandi Vs The State West Bengal & Ors.

Mr. Sudipta Maiti

... For the Petitioner.

Mr. Sk. Jaynal Abdin

... For the State.

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 was appointed as a Head Teacher of a Primary School. The petitioner retired from service on 31.01.2007. The first pension payment order was issued on 08.05.2007. Under the ROPA Rules, 1998 there was revision of the pensionary arrear pension amount payable to the petitioner. The revised pension payment order was issued on 01.12.2011 and the revised arrear pension and revised gratuity amount was disbursed on 22.03.2012 in terms of ROPA Rules, 2009. The petitioner claims interest on delayed payment of the revised gratuity amount and revised arrear pension.

I have heard learned counsel for both parties and I have considered the orders passed by this Court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of revised gratuity amount and revised arrear pension.

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. 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 aforesaid, 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 gratuity and revised arrear pension amount calculated from 19.05.2009 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.

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.)