

19.3.2021
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W.P.A.7074 of 2021
Swapan Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Banshi Badan Maity
... For the Petitioner.

No one appears for the State when the matter is called on for hearing.

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

The father of the petitioner was an Assistant Teacher of a Primary School who retired on 31.12.1994 and died on 13.5.2006 and also mother of the petitioner died on 12.11.2013. The mother of the petitioner had completed all pension-related formalities and pension payment order was issued and after death of the mother of the petitioner the P.P.O. issued on 29.9.2020, to the handicapped son was. However, the concerned authorities delayed and released the family pension amount on 24.12.2020. The petitioner herein seeks interest to be paid on the arrear family pension amount for the interim period of delay in receipt of the arrear family 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.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 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 writ petitioner @ 8% per annum on the arrear family pension amount calculated from **13.11.2013** 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 photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)