

19.03.2021
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Sl. 306
Ct. 15

WPA 7352 of 2021

**Syed Akter Hossain
Vs.
The State of West Bengal & Ors.**

Mr. Uttam Kumar Roy
.....For the Petitioner
Mr. Tapas Kundu
..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 Teacher of a Primary School, Hooghly. The petitioner retired from service on 31.01.2010. The first pension payment order was issued on 20.05.2010. 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 01.11.2012 and the revised gratuity and revised arrear pension was disbursed on 31.01.2013 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised gratuity and revised arrear pension amount.

I have heard the learned counsel for the 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 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 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. 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 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 01.02.2010 till the date of actual payment.

Such payment is to be made within eight weeks from the date of communication of this order.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)