

WPA 7360 of 2021

Dipali Panja

- Versus -

The State of West Bengal & Ors.

Mr. Uttam Kumar Roy

.....For the petitioner

Mr. Mohim Chowdhury

..For the State

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

The husband of the petitioner was an Assistant Teacher of a Primary School, who retired from service on 31.08.2002 and died on 21.08.2019. The husband of the petitioner had completed all pension-related formalities. The pension payment order was issued on 25.11.2002. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 27.12.2004. The petitioner herein seeks interest to be paid on the gratuity and arrear pension amount for the interim period of delay in receipt of the 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 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 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 writ petitioner @ 8% per annum on the gratuity and arrear pension amount calculated from 01.09.2002 till the date of 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.

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 given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)