

19.03.2021
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Sl.346
Ct. 15

W.P.A. No. 7456 of 2021

Durgarani Santra
Vs.
The State of West Bengal & Ors.

Mr. Uttam Kumar Roy
.....For the Petitioner
Mr. Sailendu Sekhar Bayerd
....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 husband of the petitioner was appointed as an Assistant Teacher of a Primary School. The husband of the petitioner retired from service on 31.01.2008 and died on 04.11.2018. The first pension payment order was issued on 30.01.2008. Under the ROPA Rules, 2009 there was revision of the pensionary and arrear pension amount payable to the petitioner. The revised pension payment order was issued on 08.04.2013 and the revised arrear pension was disbursed on 28.07.2013 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension amount and gratuity 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 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 arrear pension amount calculated on and from 01.06.2009 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.)