

06.04.2021
Ct. No.13
Sl. No.350
sp

W.P.A. 7860 of 2021 [via video conference]

[Krishna Mohan Mahata -Vs- State of West Bengal & Ors.]

Mr. Biswajit Mal

... .. for the petitioner

Mr. Nara Narayan Ganguly

... .. for the State

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

The petitioner was an Anchal Sachib who retired on 31.03.2009. He had completed all his pension-related formalities prior to his retirement. However, the concerned authorities delayed his pensionary benefit amount ultimately released the same on 10.01.2013.

The petitioner herein seeks interest to be paid on the arrear pension amount for the interim period of delay in receipt of the arrear pension amount. There is a considerable delay in filing 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 and, therefor, the instant petition should be allowed.

The petitioner relies upon an order in WP 17557(W) of 2017 (***Narayan Chandra Saha vs. State of West Bengal & Ors.***) wherein a coordinate Bench had relied upon the Supreme Court judgement in the case of ***Union of India vs. Tarmen Singh***, reported in ***(2008) 8 SCC 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 inspite 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 petitioner @ 8% per annum on the arrear pension amount calculated from the next day of his retirement 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.

This writ petition is accordingly disposed of without however, any order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied by the respondents.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Rajasekhar Mantha, J.)