

22.04.2021

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W.P.A. 9116 of 2021

Namita Karmakar
Vs.
State of West Bengal & ors.

Mr. Banshi Badan Maity ... For the petitioner

Mr. Mohim Chowdhury ... For the State

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

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner's husband was appointed as Assistant Teacher of a Secondary School and retired from service on August 31, 2007 and died on July 19, 2019. The first pension payment order was issued on August 16, 2007. 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 March 19, 2012 and the revised gratuity as well as arrear pension amount was disbursed on May 12, 2012 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised gratuity as well as 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 inspite 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 as well as arrear pension amount calculated on and from June 1, 2009 till actual date of payment.

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

This writ petition is, thus, disposed of.

Urgent Photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(Shekhar B. Saraf, J.)