

WPA 11099 of 2020

Sk. Asraf Ali Mondal

- Versus -

The State of West Bengal & Ors.

Ms. Dipa Bhattacharya

.....For the petitioner

No one appears for the State when the matter is called on for hearing.

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

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

The petitioner was an Assistant Teacher of a Primary School and he retired from service on 31.01.2008. The first pension payment order was issued on 22.01.2008. Under the ROPA Rules, 2009 there was a revision of the pensionary and gratuity amount payable to the petitioner. the revised pension payment order was issued on 08.04.2013 and the arrear pension was disbursed on 21.10.2013 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension.

I have heard learned Counsel for the petitioner and I have considered the orders passed by this Court in similar fqcts. It is settled law that retired employee is entitled to

some amount of interest on delayed payment of arrear pension.

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 from 19.05.2009 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 accordingly disposed of.

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

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

(Rajarshi Bharadwaj, J.)