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21.01.2021
(Suvendu)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

WPA 60 of 2021

Shanti Dewan
-versus-
State of West Bengal & Ors.

Mr. Debajit Kundu
.....For the petitioner
Mr. Hirak Barman
Ms. Bedushruti Bose
....For the State

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

The petitioner was appointed as an Assistant Teacher of a Primary School who retired from service on 31.05.2013. The petitioner had completed all pension-related formalities prior to her retirement. However, the concerned authorities delayed and released the gratuity amount on 07.11.2014. The petitioner herein seeks interest to be paid on the arrear pension amount for the interim period of delay in receipt of the gratuity amount.

There is a considerable delay in filing of the writ petition, which the petitioner seeks to justify by stating the 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. No.17557(W) of 2017 (Narayan Chandra Saha Vs. State of West Bengal & Ors.) wherein a co-ordinate Bench had relied upon the Supreme Court judgment in the case of *Union of India Vs. Tarsem Singh*, reported in (2008) 8 SCC 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 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 arrear pension calculated on and from 01.06.2013 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. There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Moushumi Bhattacharya, J.)