

27
21.01.2021
(Suvendu)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 64 of 2021

Kumar Rai
-versus-
State of West Bengal & Ors.

Mr. Debajit Kundu
.....For the petitioner
Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
....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 petitioner was appointed as an Assistant Teacher of a Primary School who retired from service on 30.11.2006. The first pension payment order was issued on 06.11.2006. Under the ROPA Rules, 2009 the pension payment order towards revised benefits was issued on 21.01.2012 and the benefits of revised arrear pension and gratuity amount was disbursed on 30.04.2012. The petitioner claims interest on delayed payment of the revised arrear pension.

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 revised arrear pension calculated on and from 19.05.2009 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. 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.)