

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

08 21.04.
ab 2021

W.P.A. 767 of 2021

**Samarendra Debnath
Versus
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)
.....for the petitioner.

Mr. Subir Kumar Saha (AGP)
Mr. Pretom Das
...For the State.

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

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

The petitioner was an Assistant Teacher of
a Primary School and retired from service on
28.02.2009. The first pension payment order was
issued on 06.03.2009. Under the ROPA Rules, 2009
there was revision of pensionary and gratuity amount
payable to the petitioner. The revised pension
payment order was issued on 17.04.2012 and the
revised gratuity and revised arrear pension was
disbursed on 24.07.2012 in terms of ROPA 2009. 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 that there is no statutory period of limitation
and neither of the parties has 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 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 calculated from 19.05.2009 till the date of payment.

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

With these observations, the writ petition is disposed of.

Since no affidavit in opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents

Urgent certified website copy of this order, if

applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)