Circuit Bench of Calcutta High Court at Jalpaiguri

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21.04.2021

W.P.A.834 of 2021

Paresh Chadra Roy
Versus
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)
.....for the petitioner.
Mr. Hirak Barman
Mr. Pretom Das
...For the State.

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

The petitioner was an Assistant Teacher of a High School, Darjeeling and retired from service on 31.07.2019. The first pension payment order was issued on 08.07.2019. Under the ROPA Rules, 2019 there was revision of pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 25.11.2020 and the revised gratuity and revised arrear pension was disbursed on 05.02.2021 in terms of ROPA 2019. The petitioner claims interest on delayed payment of the revised gratuity and revised arrear pension.

I have heard learned counsel for both parties and I have considered the orders passed by this court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of revised gratuity and 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 above and after hearing the learned Counsel for the petitioner, 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 and revised arrear pension calculated from 14.02.2020 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.

The writ petition is disposed of, however, no order as to costs.

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.)