

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

¹⁰⁴
ab 21.04.
2021

W.P.A. 895 of 2021

**Sujan Chandra Saha
Versus
The State of West Bengal & Ors.**

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

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose
...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, Cooch Behar and he retired from
service on 31.03.2018. The first pension payment
order was issued on 04.04.2018. 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
16.10.2020 and the revised gratuity and revised
arrear pension amount was disbursed on 04.12.2020
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 amount 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.

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.)