

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

<sup>107</sup>  
*ab* 21.04.  
2021

**W.P.A. 898 of 2021**

**Ramgopal Sarkar  
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 petitioner was an Assistant Teacher of  
a High School, Cooch Behar and he retired from  
service on 31.12.2019. The first pension payment  
order was issued on 17.12.2019. 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  
14.12.2020 and the revised gratuity and revised  
arrear pension amount was disbursed on 15.12.2020  
in terms of ROPA 2019. The petitioner claims interest  
on delayed payment of the 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.)**