

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

⁴⁹
ab 23.04.
2021

W.P.A. 964 of 2021

**Purnima Roka
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 Teacher of a Secondary School,
Darjeeling who retired from service on 30.06.2018. The
petitioner had completed all her pension-related formalities
prior to her retirement. However, the concerned authorities
delayed and released her gratuity amount on 25.07.2019. The
petitioner herein seeks interest to be paid on the gratuity for
the interim period of delay in receipt of the gratuity.

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 petitioner @8% per annum on the gratuity calculated from 01.07.2018 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 is called for, the allegations made in the writ petition are deemed to have been denied.

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.)