

7th April, 2022
(D/L No.9)
(SKB)

W.P.A. 3818 of 2022

Jaladhi Bhushan Chaudhuri
Versus
The State of West Bengal and others

Ms. Sudipa Biswas
... for the petitioner.

The State has not filed the affidavit-in-opposition as directed by two orders dated 15th March, 2022 and 30th March, 2022.

No one appears for the State. The order is hence passed on the writ petition:

The petitioner was appointed as an Associate Professor of a College. The petitioner retired from service on 28th February, 2006. The first pension payment order was issued on 3rd May, 2006 under the ROPA Rules, 2009 there was revision of the pensionary arrear pension amount payable to the petitioner. The revised pension payment order was issued on 6th April, 2011 and the revised gratuity and arrear pension amount was disbursed 30th August, 2011 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised gratuity and arrear pension amount. 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 parties have 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. 17557(W) of 2017 (Narayan Chandra Saha Vs. State of West Bengal and 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 refixation 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 gratuity and arrear pension amount calculated on and from 01.06.2009 till actual date of payment.

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

This writ petition is, thus, dispose of.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)