

19.01.2022

serial no. **10**

Dd

(Through Video Conference)

WPA 5341 of 2021

**Smt. Susmita (Dhara) Barman
Vs.
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda, Advocate
... .. for the Petitioner

Ms. Bineeta Bhattacharya, Advocate
... .. for the State

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

2. The husband of the petitioner was an approved Associate Professor at Yogoda Satsanga Palpara Mahavidyalaya who died in service on 12.04.2015. She had completed all her family pension-related formalities immediately after death of her husband. However, the concerned authorities delayed and released death gratuity amount and arrear family pension on 29.12.2016. The petitioner herein seeks interest to be paid on the death gratuity amount for the interim period of delay in receipt of the gratuity 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 none of the 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 V. State of West Bengal & Ors.) wherein a co-ordinate Bench had relied upon the Supreme Court judgment in the case of Union of India Vs. Tarsem Singh, reported in (2008) 8 SCC 648 on the issue of limitation relating to payment on 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.

3. In view of the above and after hearing the learned counsel for both parties, I direct the concerned Treasury Officer to pay interest to the petitioner @ 8% per annum on the death gratuity amount and arrear family pension calculated from 01.05.2015 till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

4. This writ petition is accordingly disposed of without however, any order as to costs.

5. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied by the respondents.

(Moushumi Bhattacharya, J.)