

20.06.2022
Court No.13
Item No.265

WPA 5434 of 2021

Radhika Bala Mahato
Vs.
The State of West Bengal and Ors.

Mr. Uttam Kumar Roy

... For the Petitioner.

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

The petitioner's husband was an approved Assistant Teacher of a High School who retired from service on 28th February 2005 and died on 10th February 2011. The petitioner's husband had completed all pension-related formalities prior to his retirement. The Pension Payment Order was issued on 23rd May 2006. However, the concerned authorities delayed and released arrear pension amount on 21st June 2006. The petitioner herein seeks interest to be paid on the arrear pension amount for the interim period of delay in receipt of the 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 WP 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 SCC 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 inspite 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 parties, 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 arrear pension amount calculated from 1st March 2005 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.

Accordingly the writ petition is disposed of without, 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.

(Rajasekhar Mantha, J.)