

Ct. 05
Item No.12
08.04.2022
(sayandeep)

WPA 4956 of 2022

Lakshman Chandra Poddar
Vs.
The State of West Bengal & Ors.

Mr. Satyanarayan Kundu
.....for the petitioner

Ms. Sutapa Sanyal
Ms. Jayee Maiti
.....for the State

Learned counsel appearing for the State submits that although the petitioner is entitled to the scale of pay as prayed for, the scale should be payable from the 19th May, 2009 when the ROPA, 2009 was implemented and not from the date of retirement of the petitioner which is 28th February, 2006. The circular and the decision of the Division Bench handed over are completely illegible.

The supplementary affidavit is taken on record.

Upon hearing WPA 4956 of 2022 is disposed of in terms of the order below.

The petitioner was an approved Associate Professor of a College who retired from service on 28.02.2006. The petitioner had completed all pension-related formalities prior to his retirement. However, the concerned authorities delayed and released the gratuity amount on 29.08.2006. The petitioner herein seeks interest to be paid on the 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 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 Others)* 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 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 above and after hearing 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 cent per annum on the gratuity amount calculated from 19th May, 2009 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.

This writ petition is accordingly disposed without any order as to costs.

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

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.)

