

Ct. 05
Item No.11
23.03.2022
(suvendu)

WPA 4998 of 2022

**Arati Das & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Satyaranjan Kundu
.....for the petitioners

The Affidavit of Service filed in Court today is kept on record.

The husband of the petitioner no.1 and the father of the petitioner no.2 was an approved Assistant Cook of Pingla Thana Mahavidyalaya who died in harness on 27.07.2001. The petitioners had completed all pension-related formalities. However, the concerned authorities delayed and released the gratuity as well as arrear pension amount on 27.04.2018. The petitioners herein seek interest to be paid on the gratuity as well as 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 petitioners seek to justify by stating that there is no statutory period of limitation and none of the parties have suffered due to the delay. It is the submission of the petitioners that accordingly the petition should be allowed.

The petitioners rely 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 petitioners, 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 petitioners @ 8 per cent per annum on the gratuity as well as arrear pension amount calculated from 28.07.2001 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.)