

Ct. 05
Item No.15
01.04.2022
(suvendu)

WPA 5443 of 2022

**Gour Sankar Mukherjee
Vs.
The State of West Bengal & Ors.**

Ms. Sreyasree Choudhury
.....for the petitioner

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

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner was an approved Clerk of Mahadebendra Mahavidyalay. The petitioner retired from service on 31.03.2008. The first Pension Payment Order was issued on 01.01.2009. Under the ROPA Rules, 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised Pension Payment Order was issued on 02.11.2010 and the arrear pension and gratuity was disbursed on 24.02.2011 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension and revised gratuity.

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 revised arrear pension and revised gratuity calculated on and from 01.06.2009 till the date of payment.

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

This writ petition is, thus, disposed 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.)