

Ct. 05
Item No.18
26.04.2022
(suvendu)

WPA 6399 of 2022

Narayan Chandra Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Krishna Keshab Paul
.....for the petitioner

Mr. Rajarshi Basu
Mr. Sougata Mita
.....for the State

The Affidavit of Service is kept on record.

The petitioner was an Associate Professor of Chandidas College who retired from service on 31.07.2009. The First Pension Payment Order was issued on 1st February, 2010. 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 17th April, 2012 and the arrear pension was disbursed on 28th September, 2012 in terms of ROPA 2009. The petitioner claims interest on delayed payment of the revised arrear pension.

I have heard learned counsel for both parties and I have considered the orders passed by this Court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of arrear pension.

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 amount calculated on and from 01.06.2009 till actual date of payment, that is, 28th September, 2012. 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.)