

Ct. 05
Item No.08
18.05.2022
(suvendu)

WPA 7004 of 2022

Ashoke Kumar Pramanick
Vs.
The State of West Bengal & Ors.

Ms. Sima Ghosh
.....for the petitioner
Mr. Suman Dey
.....for the State

The Supplementary Affidavit filed on behalf of the petitioner pursuant to the direction of this Court showing that the pension papers of the petitioner was sent by the Headmaster of the School to the concerned District Inspector of Schools on 18.09.2015 is taken on record.

The request for post facto approval to the appointment of the petitioner was sent by the School to the District Inspector of Schools on 01.08.2016. The petitioner retired as a Librarian of the School on 31.01.2017. Hence there is no delay in filing of the writ petition.

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

The petitioner was a librarian of a School in the district of Birbhum and he retired on 31.01.2017. The pension payment order was issued on 27.07.2021. Under the ROPA Rules, 2019 there was revision of the pensionary and gratuity amount payable to the petitioner. The arrear pension and gratuity were disbursed on 17.08.2021 in terms of ROPA 2019. The petitioner

claims interest on delayed payment of the arrear pension and gratuity.

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 and gratuity.

There is 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 V. State of West Bengal & Ors.)* wherein a coordinate 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 on re-fixation 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 aforesaid, 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 writ petitioner at the rate of 8% percent per annum on the arrear pension and gratuity calculated on and from 1st February, 2017 till actual date of payment. Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to be concerned authorities.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

The writ petition is, accordingly, disposed. There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Moushumi Bhattacharya, J.)