

19.05.2022
Ct. 5
D/L 14
ab

WPA 8864 of 2022

Mintu Kumar Bose

-Vs-

The State of West Bengal & Ors.

Mr. Sudip Sarkar

... for the petitioner

Mr. Bibekananda Tripathy,

... for the State

Affidavit of service filed in Court today is kept on record.

The petitioner was a Library Clerk of a College, who retired from service on 31st January, 2021. He had completed all pension-related formalities. The pension payment order was issued on 25th February, 2022.

However, the concerned authorities delayed and released the gratuity and arrear pension amount on 11th March, 2022. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the 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 & Ors.)* wherein a co-ordinate Bench had relied upon the Supreme Court Judgement 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 right of the third party.

In view of the above and after hearing the learned counsel for the parties, I direct the Director of Public Instruction, Government of West Bengal as also the concerned treasury officer to pay interest to the petitioner @ 8% per annum on the gratuity and arrear pension amount calculated from 1st February, 2022 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 of without however, any order as to costs.

Certified website copy of this order, if applied for, shall be given to the parties.

(Moushumi Bhattacharya, J.)

