

25.07.2022
rc/ct.no.13
Item No.430

WPA No. 11725 of 2022
Soma Chakraborty & Anr.
Versus
The State of West Bengal & Ors.

Mr. Goutam Kr. Maity ...for the petitioner

Affidavit of service filed in Court today is kept with the record.

The petitioner's husband was an Assistant Teacher of a High School who died on 13.01.2021. The pension payment order was issued on 26.04.2022. He had completed all his pension related formalities prior to his retirement. However, the concerned authorities delayed the gratuity and arrear pensionary benefit amount ultimately released the same on 13.05.2022.

The petitioners herein seek interest to be paid on the arrear pension amount for the interim period of delay in receipt of the arrear pension amount. There is a considerable delay in filing the writ petition, which the petitioners seek to justify by stating that there is no statutory period of limitation and neither parties have suffered due to this delay and, therefore, the instant petition should be allowed.

The petitioners rely upon an order in WP No. 17557(W) of 2017 (Narayan Chandra Saha vs. State of West Bengal & Ors.) 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 the learned Counsel for the parties, 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 annum on the revised gratuity and revised arrear pension amount calculated on and from 13.01.2021 till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

With these observations, the writ petition is disposed of.

Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties.

(Rajasekhar Mantha,J)