

23.08.2022
Court No.13
Item No.844
AP

WPA 12666 of 2022

Rina Das
Vs.
The State of West Bengal and Ors.

Mr. Goutam Kumar Maity

... For the Petitioner.

Ms. Srilekha Bhattacharyya

... For the State.

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

2. The petitioner's husband was a High School Teacher who died on 16.10.2020. The pension payment order was issued on 29.11.2021. He had completed all his pension related formalities prior to his retirement. However, the concerned authorities delayed the arrear pensionary benefit amount ultimately released the same on 26.12.2021.

3. The petitioner herein seeks 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 petitioner seeks 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.

4. 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 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.

5. 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 petitioner @ 8% per annum on the arrear pensionary amount calculated from 16.10.2020 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.

6. This writ petition is accordingly disposed of without however, any order as to costs.

7. Since, no affidavit is called for, the allegations made in the writ petition are deemed to have been denied by the respondents.

8. All parties are to act on the website copy of this order.

(Rajasekhar Mantha, J.)