

13th January, 2022
(D/L No.30)
(SKB)

W.P.A. 19662 of 2021
(Via Video Conference)

Rabin Guria
Versus
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
... for the petitioner.

Ms. Tapati Samanta
... for respondent no.4.

Mr. Shayak Chakraborty
... for the State.

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

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

The petitioner's brother was an approved librarian of a Library in the district of Howrah and he retired on 31.10.2021 and died on 23.04.2021. He had completed all his pension-related formalities prior to his retirement. However, the concerned authorities delayed and released his gratuity amount and arrear pension on 10.08.2020. The petitioner herein seeks interest to be paid on the gratuity amount and arrear pension for the interim period of delay in receipt of the gratuity amount and arrear pension. It may be noted that the e-Pension Payment Order issued by the Director of Pension Provident Fund and Group Insurance, Government of West Bengal on 28th July, 2020, mentions the name of the petitioner as the nominee.

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 none of the 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 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 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 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 per cent per annum on the revised arrear pension and revised gratuity calculated on and from 1st November, 2019 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 the concerned authorities.

The writ petition is, accordingly, disposed of.

There will be no order as to costs.

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

(Moushumi Bhattacharya, J.)