17.01.2022
Item No.14
Ct. No.5
Aloke

W.P.A. 19669 of 2021
(Via Video Conference)

Sabur Ali Sareng
Vs.
The State of West Bengal & Ors.

Ms. Sabita Khutia
…for the petitioner
Ms. Tapati Samanta
…for the respondent no.4
Md. Zakir Hossain
… for the State

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

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

The petitioner was a librarian of a Library in the district of Howrah and he retired on 31.05.2017. The first pension payment order was issued on 30.10.2017. Under the ROPA Rules, 2019 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 28.08.2021 and the arrear pension and gratuity was disbursed on 01.10.2021 in terms of ROPA, 2019. The petitioner claims interest on delayed payment of the revised arrear pension and revised 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 revised 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 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 annum on the revised arrear pension and revised gratuity calculated on and from 1st February, 2020 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.

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 of in terms of prayer (a). 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.)