

17.01.2022
Item No.23
Ct. No.5
Aloke

**W.P.A. 20728 of 2021
(Via Video Conference)**

Badal Kumar Maiti

Vs.

The State of West Bengal & Ors.

Ms. Sreyasree Choudhury

...for the petitioner

Mr. Rajarshi Basu

Ms. Tanushree Pal Chowdhury

...for the State

Ms. Tapati Samanta

... for the respondent no. 4

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 appointed as a Librarian and retired from service on 30.06.2006. The first pension payment order was issued on 18.07.2008. Under the ROPA Rules, 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 10.03.2011 and the arrear pension and gratuity was disbursed on 09.05.2011 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised 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 01.06.2009 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, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(Moushumi Bhattacharya J.)