

29.07.2022
Court No.13
Item No.18
AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2022 of 2022

SAMARENDRA NATH ROY

Vs.

STATE OF WEST BENGAL AND ORS.

Mr. Saktipada Jana
Mr. Subhajyoti Das

... For the Petitioner.

Ms. Tuli Sinha

... For the State.

Affidavit of service file in Court today is
taken on record.

The petitioner was a teacher of a school,
who retired on 31.07.2016. The first pension
payment order was issued on 27.07.2016. 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 08.02.2021 and the revised gratuity and
revised arrear pension amount was disbursed on
01.03.2021 in terms of ROPA, 2019. The petitioner
claims interest on delayed payment of the revised
gratuity and revised arrear pension amount.

There is a 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 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.

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 revised gratuity and revised arrear pension amount calculated on and from 14.02.2020 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.

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, on priority basis.

(Rajasekhar Mantha, J.)