

29.07.2022
Court No.13
Item No.29
AP

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

WPA 2036 of 2022

NAZMA BANU

Vs.

THE STATE OF WEST BENGAL AND ORS.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das

... For the Petitioner.

Ms. Tanusri Pal Chowdhuri

... For the State.

Affidavit-of-service filed in Court today be
kept with the record.

The petitioner's husband was Assistant
Teacher and he retired from service on 31.01.2018.
The pension payment order was issued on
07.02.2020 and terminal benefit was made only on
18.02.2020 belatedly. Her husband died on
28.04.2020.

Learned advocate for the petitioner in
support of his submission has relied upon an order
dated October 25, 2017 passed in WP 17557(W) of
2017 (Narayan Chandra Saha -vs- State of West
Bengal & Ors.) wherein a co-ordinate Bench had
relied upon a Supreme Court judgement in the case
of Union of India -vs- Tarmen 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.

I have heard the submission and considered the orders passed by the co-ordinate Benches involving similar issues. It is reported that the State has accepted all such orders.

In view thereof, this writ petition stands disposed of directing the respondents, particularly the Director of Pension, Provident Fund and Group Insurance, to pay the petitioner interest @ 9% p.a. on the gratuity amount and arrear pension from the next date of retirement of her husband till the date of actual payment, within eight weeks from the date of communication of this order, failing which additional interest @ 2% p.a. shall be payable to the petitioner.

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

All parties are to act on the Website Copy of this Order.

(Rajasekhar Mantha, J.)