

9th January, 2022
Ct. 1
D/L 9
(SKB)

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

W.P.A.20 of 2023

Anita Roy
Versus
The State of West Bengal and others

Mr. Imdadul Biswas,
Mr. Shubhankar Biswas
... for the petitioner.

Mr. Subir Kumar Saha,
Mr. Bedashruti Bose
... for the State.

The affidavit of service is taken on record.

The petitioner's husband was an Assistant Teacher of a school in the district of Jalpaiguri who retired from service on 08.07.2017 and died on the same date. The petitioner had completed all pension related formalities. The first Pension Payment Order was issued on 11.12.2017.

However, the concerned authorities delayed and released the gratuity and arrear pension amount on 11.02.2018. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the gratuity.

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 relied upon an order in ***W.P.17557(W) of 2017 (Narayan Chandra Saha***

Vs. State of West Bengal and others) 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 & Group Insurance, Government of West Bengal as also the concerned treasury officer to pay interest to the petitioner @ 8% per annum on the gratuity and arrear pension amount calculated from 09.07.2017 till the date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is accordingly disposed of.

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.)