

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

Ct. 01
Item No.17
06.01.2023
(Suvendu)

WPA 26 of 2023

**Anna Maria Lepcha
Vs.
The State of West Bengal & Ors.**

Mr. Debajit Kundu
.....for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahaman
.....for the State

The Affidavit of Service is kept on record.

The husband of the petitioner was a teacher of an Army School who died in harness on 01.06.2003. The petitioner had completed all pension-related formalities. The Pension Payment Order was issued on 30.12.2016.

However, the concerned authorities delayed and released the gratuity as well as arrear pension amount on 22.02.2017. 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 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 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 learned counsel for the petitioner, 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 cent per annum on the gratuity as well as arrear pension amount calculated from 02.06.2003 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.

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

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)