

09.01.2023
Ct. 1
D/L 13
ab

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

WPA 35 of 2023

Ebita Basak

-Vs-

The State of West Bengal & Ors.

Mr. Imdadul Biswas
Mr. Subhankar Dutta

... for the petitioner

Mr. Hirak Barman,
Ms. B. Bose

... for the State

The affidavit of service is taken on record.

The petitioner's mother was an assistant teacher of a school in the district of Jalpaiguri who died on 22th January, 2020. Petitioner had completed all pension related formalities. The Pension Payment Order was issued on 15th July, 2021.

However, the concerned authorities delayed and released the gratuity and arrear pension amount on 23rd July, 2021. 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 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 23.01.2020 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 of the requisite formalities.

(**Moushumi Bhattacharya, J.**)