11th January, 2022
Ct. 1
D/L 14
(SKB)

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

W.P.A.126 of 2023

Rathindra Nath Das
Versus
The State of West Bengal and others

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

Mr. Subir Kumar Saha,
Mr. Momenur Rahman
… for the State.

The affidavit of service is taken on record.

The petitioner was an Assistant Teacher of a high school in the district of Cooch Behar who retired from service on 31.12.2016. The first pension payment order was issued on 04.01.2017. Under ROPA Rules, 2019 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 17.03.2021 and the arrear pension and gratuity was disbursed on 20.05.2021 in terms of ROPA, 2019. The petitioner claims interest on delayed payment of the revised arrear pension and revised gratuity.

I have heard learned counsel for both parties and I have considered the orders passed by this court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of arrear pension and revised 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 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 revised arrear pension and revised gratuity calculated on and from 14th February, 2020 till actual date of payment. Such payment is to be made within a period of eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

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**.)