

Form J(1)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 164 of 2023

**Ayamoni (Bhagat) Oraon @ Ayamoni Oraon & Ors.
Vs.
The State of West Bengal & Ors.**

For the Petitioner : Mr. Dipankar Saha, Adv.

Heard & Judgment On : 31st January, 2023.

The petitioners have prayed for issuance of a writ in the nature of mandamus commending the respondent authorities to pay the interest on the arrear pension and gratuity amount sanction as per the pension payment order at the rate of 10% per annum from the date of death of the husband of the petitioner No.1 till the date of actual payment.

It is stated by the petitioners that the husband of the petitioner No.1 and the father of the petitioner Nos.2 and 3 was an executive of a Gram Panchayat under the control of The Block Development Officer, Matelli. After rendering about 33 years of service, the husband of the petitioner No.1 died in harness on 24th May, 2016. After the death of the husband of the petitioner No.1, she completed all formalities on her part

to get the family pension and other retiral benefit and death cum gratuity of her husband. Family pension payment order was issued by the Assistant Director, Directorate of Pension Provident Fund and Group Insurance, West Bengal as per ROPA 2019 on 15th June, 2020 in favour of the petitioners for payment of such pensionary benefit. Subsequently, the respondent released the pensionary benefits including gratuity on 2nd August, 2020. It is the grievance of the petitioners that in spite of receiving the pension payment order on 15th June, 2020, the concerned treasury officer did not release the admissible amount in favour of the petitioner. Ultimately the arrears of pension and balance gratuity amount under revised rate as per ROPA 2019 has been released on 2nd August, 2020. While receiving the amount of arrear pensionary balance and gratuity, the petitioner demanded the interest for the delayed payment of arrear pension and balance gratuity revised as per ROPA 2019 but the respondent authority has refused to give such interest.

I have heard the learned Advocate for the petitioner. In **Narayan Chandra Saha vs. State of West Bengal & Ors, W.P.17557(W) of 2017** 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 relied that the relief may be granted in spite of delay as it does not affect the rights of the third party.

In view of the above, 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 petitioners at the rate of 8% per annum on the gratuity and arrear pension amount calculated from 25.05.2016 till the date of payment. Such payment is to be made within the period of eight weeks from the date of communication of this order.

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

The petitioners are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)