

23rd August, 2023

Ct. 1

D/L 2

(sg)

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

W.P.A. No.1934 of 2023

Archana Sarkar

-Vs.-

The State of West Bengal & Ors.

Mr. Anirban Chakraborty

... for the Petitioner

Affidavit of service filed in Court today is kept with the record.

The petitioner was an Assistant Teacher of a High School, who retired from service on 28.02.2009. The petitioner had completed all pension-related formalities. However, the concerned authorities delayed and released the gratuity amount and arrear pension amount on 15.05.2012. The petitioner herein seeks interest to be paid on the gratuity amount and arrear pension amount. 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 relies upon an

order in W.P. 17557(W) of 2017 (Narayan Chandra Saha Vs. State of West Bengal & Ors.) 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 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 annum on the arrear pension amount calculated from 01.04.2009 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 however, any order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have denied.

(MOUSHUMI BHATTACHARYA, J.)