

22nd August, 2023
Ct. 1
D/L 16
(sg)

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

W.P.A. No.1949 of 2023

Krishna Kamal Singha Sarkar
-Vs.-
The State of West Bengal & Ors.

Mr. Anirban Chakraborty
... for the petitioner.

Mr. Subir Kr. Saha
Mr. Momenur Rahman
... for the State.

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

The material facts of the case are admitted and hence I
have not called for affidavits.

The petitioner retired from service on 31.01.2008 from
the concerned school. The first pension payment order was
issued on 25-09-2008. There was revision of the pensionary
and gratuity amount payable to the petitioner. The revised
pension payment order was issued on 23-06-2011 and the
gratuity and arrear pension amount was disbursed on 31-08-
2011 in terms of ROPA, 2009 belatedly. The petitioner claims

interest on delayed payment of the gratuity 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 that neither parties have suffered due to this delay. According to the petitioner, the petition should be allowed.

In this connection, learned advocate representing the petitioner relies upon an order dated October 25, 2017 passed in WP No.17557 (W) of 2017 (Narayan Chandra Saha Vs. State of West Bengal & Ors.) wherein a co-ordinate Bench had relied upon a 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 re-fixation of pay or pension wherein the Apex Court had held that relief might be granted in spite of delay as it does not affect the rights of the third party.

In view of the aforesaid, 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 writ petitioner @ 8% per annum on the revised gratuity amount and arrear pension amount calculated on and from

June 1, 2009 till the actual date of payment, within eight weeks from the date of communication of this order to the concerned authorities.

This writ petition is, thus, disposed of.

Certified website copy of this order, if applied for, be given to the parties.

(MOUSHUMI BHATTACHARYA, J.)