

05.10.2023
Court No.1
Item No.42
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2404 of 2023

Banani Roy (Barman)

Vs.

The State of West Bengal and Ors.

Mr. Debajit Kundu

... For the Petitioner.

Mr. Hirak Barman

Mr. Pretom Das

... For the State.

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

The husband of the petitioner was an Assistant Teacher who retired on 31.08.2018 and died on 07.07.2020. He had completed all his pension-related formalities prior to his retirement. However, the concerned authorities delayed his gratuity and arrear pensionary benefit amount ultimately released the same on 21.04.2019.

The petitioner herein seeks interest to be paid on the gratuity and arrear pension amount for the interim period of delay in receipt of the gratuity and arrear pension amount. There is a 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 and, therefore, the instant petition should be allowed.

The petitioner relies upon an order in WP 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. Tarmen Singh, reported in (2008) 8 SCC 648 on the issue on limitation relating to payment or re-fixation 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 and 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 the next date of her husband's retirement till the date of actual 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 been denied by the respondents.

Urgent Photostat certified copy of this order,
if applied for, be given to the parties on urgent
basis.

(Rajasekhar Mantha, J.)