

05.10.2023
Court No.1
Item No.44
pk/AP

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

WPA 2406 of 2023

**Tanushree Ray Poddar @ Tanushree Roy Poddar
Vs.
The State of West Bengal and Ors.**

Mr. Debajit Kundu

... For the Petitioner.

Mr. Subir Kr. Saha
Ms. Bedashruti Bose

... 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 died-in-harness on
01.09.2016. She had completed all her pension-
related formalities after the death of her husband.
However, the concerned authorities delayed his
gratuity and arrear pensionary benefit amount
ultimately released the same on 21.06.2017.

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 the death of her husband 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.)