26.02.2024.
Court No. 13
Item no. 17.
sp

W.P.A. No. 3186 of 2024

Kalpana Kayori
Versus
The State of West Bengal & Ors.

Ms. Arpita Saha
..For the petitioner.

Mr. Durga Bhusan Mukhopadhayay
...for the State

1. The affidavit of service filed by the learned Advocate for the petitioner in Court today be kept on record.

2. The petitioner was a Head Master of a Primary School, who retired on 31.07.2017. The first pension payment order was issued on 11.07.2017. Under the ROPA Rules, 2019, there was revision of the revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on 22.09.2021 and the revised gratuity and revised arrear pension amount was disbursed on 28.02.2022 in terms of ROPA, 2019. The petitioner claims interest on delayed payment of the revised gratuity and revised arrear pension amount.

3. 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.

4. The petitioner relies upon an order in WP No. 17557 (W) of 2017 (Narayan Chandra Saha vs. State of West Bengal & Ors.) wherein a Co-ordinate Bench had relied upon the Supreme Court judgement 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.

5. 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 @ 8% per annum on the revised gratuity and revised arrear pension amount calculated on and from 14.02.2020 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.

6. With the aforesaid observations, the writ petition is disposed of.

7. Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

8. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)