

02.05.2024
Court No.13
Item No.162
sp

WPA 5072 of 2024
Gayatri Ghosh
Vs.
The State of West Bengal and Ors.

Mr. Uttam Kumar Roy
... For the Petitioner.

Mr. Satyajit Mahata
...for the State

Affidavit of service file in Court today is
taken on record.

The husband of the petitioner was a teacher
of a school, who died-in-harness on 04.03.2006.
The first pension payment order was issued on
22.11.2006. Under the ROPA Rules, 2009 there
was revision of the pensionary and gratuity
amount payable to the petitioner. The revised
pension payment order was issued on 04.04.2013
and the revised gratuity and revised arrear pension
amount was disbursed on 04.07.2013 in terms of
ROPA, 2009. The petitioner claims interest on
delayed payment of the revised gratuity and revised
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 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 revised gratuity and revised arrear pension amount calculated on and from 19.05.2009 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.

With these observations, the writ petition is disposed of.

The concerned Treasury Officer shall verify as to whether the petitioner is present in person

along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioner is not present, the matter shall be reported to the Registrar General of this Court for appropriate action.

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.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)