

17.05.2024
Court No.13
Item No.137
AP

WPA 10127 of 2024

**Nilima Rani Roy
Vs.
The State of West Bengal and Ors.**

Mr. Tamaltaru Panda

... For the Petitioner.

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

The husband of the petitioner was an assistant teacher of a school, who retired on 31.08.2001 and died on 08.07.2016. The husband of the petitioner had completed all his pension related formalities prior to his retirement. However, the concerned authorities delayed and released gratuity amount and arrear pension amount on 01.10.2004. The petitioner claims interest on delayed payment of the gratuity and arrear pension for the interim period of delay.

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 WP No. 17557 (W) of 2017 (Narayan Chandra Saha vs. State of West Bengal & Ors.) wherein a Coordinate 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 @ 8% per annum on the revised gratuity and revised arrear pension amount calculated on and from 01.09.2001 till the date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

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.

With these observations, the writ petition is disposed of.

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.)