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13.05.
2024
Ct. No.13

W.P.A. No. 10381 of 2024

**Gouri Sinha & Ors.
Versus
The State of West Bengal & Ors.**

**Ms. Arpita Saha
.....For the Petitioner
Mr. Pradipta Siddhanta
.....For the State**

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

The deceased employee was a teacher of a school, who died-in-harness on 01.06.2016. The first pension payment order was issued on 23.12.2016. Under the ROPA Rules, 2019 there was revision of the pension and gratuity amount payable to the petitioners. The revised pension payment order was issued on 25.01.2022 and the revised gratuity and revised arrear pension was disbursed on 04.02.2022 in terms of ROPA, 2019. The petitioners claim 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 petitioners seek 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 petitioners 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 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.

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 01.07.2016 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 the aforesaid 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.)