

30.04.2024
Sl. No.133
AP

WPA 10450 of 2024

Aniket Mondal and Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Nitya Gopal Mukherjee,
... .. for the petitioner

Affidavit of service filed in court today is kept with the record.

Mother of the petitioners was an 'Assistant Teacher' of a Primary School, who retired on 30.04.2021 and died on 30.04.2021. The pension payment order was issued on 21.07.2023. The gratuity was disbursed on 25.08.2023 in terms of ROPA, 2019. The petitioners claim interest on delayed payment of gratuity 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 petitioners @ 7% per annum on the gratuity amount calculated on and from 30.04.2021 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.

The concerned Treasury Officer shall verify as to whether the petitioners are present in person along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioners are 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.)