

17.05.2024
Sl. No.231
bd.

W.P.A. 13348 of 2024

Kalyan Kumar Midya
-Vs-
The State of West Bengal & Ors.

Mrs. Ina Bhattacharya
... for the petitioner

Mrs. Iti Dutta
... for the State.

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

The petitioner is the representative of the deceased teacher of a Primary School, who retired on 15.06.1979. He had completed all his pension related formalities prior to his retirement. However, the concerned authorities delayed and released his arrear pension amount in terms of pension payment order issued on 04.01.2017. The parents of the petitioner also died and wife of deceased employee was also died. The petitioner is the great grandson of the deceased teacher. The petitioner herein seeks interest to be paid on arrear pension for the interim period of delay in receipt of the 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 re-fixation 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 arrear pension amount calculated on and from 01.11.2010 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 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.)

