

11.03.2024
Court No. 13
Sl. No.214
TG

WPA/14216/2022

PRADIP KUMAR CHAKRABORTY
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Chandan Dutta, Adv.

... for the petitioner.

Affidavit of service filed in court today is kept on record.

The wife of the petitioner was an Assistant Teacher of a High School, who retired on 31.01.2007. The first pension payment order was issued on 09.03.2009 under ROPA 1998 and thereafter the gratuity amount was released on 02.04.2009. Thereafter the Revised pension payment order was issued on 03.04.2012 under ROPA 2009. The wife of the petitioner died on 03.08.2020. The petitioner claims interest on delayed payment of the gratuity amount under ROPA 1998.

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 petitioner, 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 gratuity amount calculated on and from the next date of retirement to 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.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition shall be deemed not to have 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.)