48 07.08.2025
SM Court No.759

WPA 950 of 2025

Jayanti Biswas
Vs.
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
... for the petitioner

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

The material facts of the case are admitted and hence I have not called for affidavits.

The petitioner was appointed as an Assistant Teacher of a Primary School. The petitioner retired from service on 31.01.2018. The first pension payment order was issued on 17.12.2018. Under the ROPA Rules, 2019 there was revision of the pensionery and gratuity amount payable to the petitioner. The revised pension payment order was issued on 04.08.2021 and the revised arrear pension and revised gratuity amount was disbursed on 05.08.2021 in terms of ROPA, 2019. The petitioner claims interest on delayed payment of the revised arrear pension and gratuity amount.

I have heard learned counsel for both parties and I have considered the orders passed by this Court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of revised arrear pension and 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 of the 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 of 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 aforesaid, 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 writ petitioner @ 8% per annum on the revised arrear pension and revised gratuity amount calculated on and from 14.02.2020 till actual date of payment.

Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is, thus, disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)