

WPA 3816 of 2023

**Radharani Dalui & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Goutam Kumar Maity

... .. for the petitioners

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

The husband of the petitioner No.1 was an Assistant Teacher of a Primary School, who died-in-harness on 05.02.2019. The petitioner No.1 had completed all pension-related formalities after the death of her husband. The Pension Payment Order was issued on 07.12.2019. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 23.01.2021. The petitioners herein seek interest to be paid on the gratuity amount and arrear pension amount for the interim period of delay in receipt of the gratuity amount and 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 petitioner that accordingly the petition should be allowed. The petitioners rely upon an order in **W.P. No. 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 both 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 the gratuity and arrear pension calculated from 06.02.2019 till the date of payment as per his share. Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is 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.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)