

WPA 11929 of 2024

Shubhankar Chaulya
Vs.
The State of West Bengal & Ors.

Ms. Sreyasree Choudhury

... .. for the petitioner

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

The father of the petitioner was an Assistant Teacher of a Primary School, who retired from service on 30.04.1982 and thereafter died on 24.08.2007. Petitioner's mother died on 14.06.2023. The petitioner's father had completed all pension-related formalities. The pension payment order was issued on 28.09.2011. However, the concerned authorities delayed and released gratuity and arrear pension amount on 03.01.2012. The petitioners herein seek interest to be paid on the gratuity and arrear pension for the interim period of delay in receipt of the gratuity 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 petitioners that accordingly the petition should be allowed. The petitioner relies 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 S.C.C. 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 petitioners @ 8% per annum on the gratuity and arrear pension calculated from 01.05.1982 till the 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 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.)