

WPA 11935 of 2024

**Amalesh Jana
Vs.
The State of West Bengal & Ors.**

Mr. Biswajit Mal

... .. for the petitioner

Mr. Pranab Halder

... .. for the State

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

The petitioner's wife was as an employee of a Primary School, who died-in-harness on 08.12.2022. The petitioner had completed all pension related formalities. The pension payment order was issued on 22.01.2024. However, the concerned authorities delayed and released the gratuity amount and arrear pension amount on 01.02.2024. The petitioner herein seeks interest to be paid on the gratuity 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 petitioner seeks to justify by stating that there is no statutory period of limitation and neither of the parties has 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. 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 judgement 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 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 writ petitioner @8% per annum on the gratuity and arrear pension calculated from 09.12.2022 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 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.

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

(Rajarshi Bharadwaj, J.)