

WPA 15744 of 2024

Tanmoy Bhattacharjee
Vs.
The State of West Bengal & Ors.

Ms. Sreyasree Choudhury
... .. for the petitioner
Ms. Indumouli Banerjee
... .. for the State

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 died-in-harness on 04.09.1971. Petitioner's mother died on 21.03.2019. The pension payment order was issued on 16.11.2018. However, the concerned authorities delayed and released his gratuity and arrear pension amount on 03.01.2019. The petitioner herein seeks 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 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 Judgement order in **W.P. No. 6649 (W) of 2019 (Padma**

Nath Vs. State of West Bengal & Ors.) of the co-ordinate Bench in support of his submission.

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 arrear pension amount calculated from 05.09.1971 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.

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.)