

18.08.2025

WPA 15493 of 2025

**Bimal Kumar Biswas & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Maiti

... .. for the petitioners

Mr. Kallal Kr. Maity

... .. for the State

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

The father of the petitioners was an Assistant Teacher of a Primary School, Nadia who died on 23.03.1979 before retirement. Mother also died on 13.09.2009. However, the concerned authorities delayed and released arrear pension amount on 20.06.2025. The petitioners herein seek interest to be paid on the arrear pension for the interim period of delay in receipt of the 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 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. Tarmen 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 arrear pension calculated from 24.03.1979 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 photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Rajarshi Bharadwaj, J.)