

WPA 16894 of 2025

Jaheda Bibi
Vs.
The State of West Bengal & Ors.

Ms. Arpita Saha

... for the petitioner

Ms. Reshma Chatterjee

... for the State

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

The materials facts of the case are admitted and hence I have not called for affidavits.

The husband of the petitioner was appointed as an Assistant Teacher of a Primary School, who retired from service on 31.12.2016. The first pension payment order was issued on 30.12.2016. Under the ROPA Rules, 2019 pension payment order towards revised benefits was issued on 18.02.2022 and the benefits of gratuity amount and revised arrear pension amounts were disbursed on 20.02.2022. The petitioner claims interest on delayed payment of the revised gratuity and revised arrear pension amount. The employee concerned died on 16.04.2024.

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 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. 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 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 revised gratuity and revised arrear pension amount calculated from 14.02.2020 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, thus, disposed of, however, no order as to costs.

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

(Rajarshi Bharadwaj, J.)