

11.09.25.

W.P.A. 17074 of 2025

Chandan Chowdhury
Vs
The State West Bengal & Ors.

Mr. Arun Khutia

... .. For the Petitioner

Mr. Nilay Baran Mandal

... .. for the State

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

The petitioner was a Head Teacher of a Primary
Primary School, who retired from service on 31.03.2020.
The petitioner had completed all pension-related
formalities. However, the concerned authorities delayed
and released the gratuity amount on 29.06.2021. The
petitioner herein seeks interest to be paid on the
gratuity amount amount for the interim period of delay
in receipt of the gratuity 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 petitioner @8% per annum on the gratuity amount and arrear pension amount calculated from 01.04.2020 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 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.)