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11.09.2025

WPA 17650 of 2025

Abul Hasanat Mahammad Badruddoza
Vs.
The State of West Bengal & Ors.

Mr. Sasthi Charan Dhara

... ... for the petitioner

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

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

The petitioner was appointed as an Assistant Teacher of a Primary School. The petitioner retired from service on 31.10.2018. The first pension payment order was issued on 28.09.2018. Under the ROPA Rules, 2019 there was revision of the pensionery and gratuity amount payable to the petitioner. The revised pension payment order was issued on 16.03.2022 and the revised arrear pension and revised gratuity amount was disbursed on 19.04.2022 in terms of ROPA Rules, 2019. The petitioner claims interest on delayed payment of the revised arrear pension and gratuity amount.

I have heard learned counsel for both parties and I have considered the orders passed by this Court in similar facts. It is settled law that retired employee is entitled to some amount of interest on delayed payment of revised 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 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. 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 aforesaid, 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 arrear pension and gratuity amount calculated from 14.02.2020 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.)