

03. 01.08.2025
Court No.236.
(Pritam)

WPA 28351 of 2024

Asita Neogi Saha.

-Vs.-

The State of West Bengal & Ors.

Mr. Sourav Mitra.
Ms. Sreyasree Choudhury.

...for the petitioner.

Mr. Subhendu Sengupta.

.....for the State.

1. The report filed by the State is taken on record.
2. The material facts of the case are admitted and hence I have not called for affidavits.
3. The petitioner was appointed as an Assistant Teacher and retired from service on 30.06.2001. The pension payment order was issued on 06.10.2005 and the arrear pension and gratuity was disbursed on 22.12.2005. The petitioner claims interest on delayed payment of the arrear pension and gratuity.
4. There is 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 WP 17557 (W) of 2017 (Narayan Chandra

Saha V. State of West Bengal & Ors.) wherein a coordinate 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 on refixation 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.

5. 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 at the rate of 8.2% per annum on the arrear pension and gratuity calculated on and from 01.07.2001 till actual date of payment.
6. Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.
7. The writ petition is, thus, disposed of.
8. Urgent photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(Smita Das De, J.)