

WPA 28363 of 2024

**Chinmoy Bhattacharya & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Tamal Taru Panda

... .. for the petitioners

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, who died-in-harness on 09.08.1993 and mother died on 11.12.2010. However, the concerned authorities issued a pension payment order on 04.02.2015. The petitioners herein seeks interest to be paid the arrear amount till date.

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 aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner @8% per annum on arrear pension calculated from 01.04.1981 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.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)