

WPA 31104 of 2024

**Kalpana Mandal
Vs.
The State of West Bengal & Ors.**

Ms. Amrita Maji

... .. for the petitioner

Mr. Prodyut Kumar Das

... .. for the State

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 an Assistant Teacher of a
Primary School. The petitioner retired from service on
31.01.2016. The first pension payment order was issued
on 13.01.2016. Under the ROPA Rules, 2019 there was
revision of the pensionary and gratuity amount payable
to the petitioner. The revised pension payment order was
issued on 25.03.2021 and the arrear pension and
gratuity was disbursed on 30.04.2021 in terms of ROPA,
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 gratuity and arrear pension.

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 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 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.

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

(Rajarshi Bharadwaj, J.)