

W.P.A. 13648 of 2024

Panmani Saren & Anr.

-vs-

State of West Bengal & Ors.

10.6.2026

ct.652,sl27

sk

Mr. Nitya Gopal Mukherjee

...for the petitioners

1. Affidavit of service is filed in Court, let that be taken on record.
2. It appears that in spite of due service copy of the writ petition, no one is appearing and representing the respondents/State.
3. In such event, the Court is inclined to take up the writ petition for adjudication and disposal.
4. In the instant writ petition, the petitioners have prayed for payment of interest for delayed payment of gratuity as well as arrear pension for delayed payment of pension.
5. The son of the petitioner No.1 was an Assistant Teacher of a High School, who died-in-harness on 07.08.2019. The pension payment order was issued on 10.01.2024. The gratuity amount and revised arrear pension was disbursed on 02.04.2024 in terms of ROPA 2019.
6. There is a considerable delay in filing of the writ petition, which the petitioners seek 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 petitioners that accordingly the petition should be allowed.

7. In this regard a co-ordinate Bench of this Court in W.P.A. 12913 of 2022 has passed an order dated August 26, 2022 granting appropriate relief to the writ petitioners therein.

8. The same appears to be equally applicable in the background of the fact in the instant case.

9. The petitioners relied upon an order in W.P. 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 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.

10. In view of the above and after hearing the learned Counsel for the parties, 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 and arrear pension calculated on and from 07.08.2019 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.

11. With these observations, the writ petition is disposed of.

12. Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

13. There will be no order as to costs.

14. Urgent Photostat certified copy of this order, if applied for, be given to the petitioner, on priority basis.

(Rai Chattopadhyay, J.)