

(2020) 01 CAL CK 0279

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 22591 (W) Of 2019

Madan Mohan Khanra

APPELLANT

Vs

State West Bengal & Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0279

Hon'ble Judges : Rajarshi Bharadwaj, J

Bench : Single Bench

Advocate : Pritikana Gantait, Tapan Kumar Jana

Final Decision : Disposed Of

Judgement

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Rajarshi Bharadwaj, J

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

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

Â The petitioner was an Assistant Teacher of High School, who retired from service on 31.08.2006. The first pension payment order was issued on

10.08.2006. Under the ROPA Rules, 2009 the pension payment order towards revised benefits was issued on 04.11.2011 and the benefits of revised

arrear pension amount was disbursed on 28.02.2012. The petitioner claims interest on delayed payment of the revised arrear pension amount.

Â 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 of this court had relied upon a 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 petitioner @ 8% per annum on the revised arrear pension amount calculated on and from 01.06. 2009 till actual

date of payment. 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.

The writ petition is, thus, disposed of.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.