

(2020) 01 CAL CK 0275
In the Calcutta High Court

Case No : Writ Petitions (WP) No. 22561 (W) Of 2019

Md. Ashadullah Shaikh

APPELLANT

Vs

State West Bengal & Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0275

Hon'ble Judges : Rajarshi Bharadwaj, J

Bench : Single Bench

Advocate : Rita Patra, Sk. Musior Rahaman

Final Decision : Disposed Of

Judgement

Rajarshi Bharadwaj, J

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

The petitioner was an Assistant Teacher of Bokhara H. J. Vidyapith High School, Murshidabad who retired on January 31, 2011. He had completed

all pension-related formalities prior to his retirement. However, the concerned authorities delayed and released his gratuity amount on November 30,

2011. The petitioner herein seeks interest to be paid on the gratuity amount for the interim period of delay in receipt of the gratuity amount.

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 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 amount

calculated from 01.02.2011 till the date of 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 accordingly disposed of without however, any order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

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