
(2019) 01 CAL CK 0019
In the Calcutta High Court
Case No : Writ Petition No. 25664 (W) Of 2018

Nilratan Pramanik

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Citation : (2019) 01 CAL CK 0019

Hon'ble Judges : Shekhar B. Saraf, J

Bench : Single Bench

Advocate : Arun Khutia

Final Decision : Disposed Off

Judgement

1. Affidavit of service filed in court today is kept with the record.
2. The material facts of the case are admitted and hence I have not called for affidavits.
3. The petitioner was an assistant teacher of a High School, Howrah and he retired on February 28, 2007. The first pension payment order was issued on February 21, 2007. Under the ROPA Rules, 2009 there was revision of the pensionary and gratuity amount payable to the petitioner. The revised pension payment order was issued on March 9, 2012 and the arrear pension and gratuity was disbursed on May 28, 2012 in terms of ROPA, 2009. The petitioner claims interest on delayed payment of the revised arrear pension and gratuity.
4. I have heard learned counsel for the petitioner 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 arrear pension and gratuity.
5. 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. 17557(W) of 2017 (Narayan Chandra Saha V. 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. Tarmen Singh, reported in (2008) 8 S.C.C. 648 on the issue of limitation relating to payment on 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.

6. 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 at the rate of 8% percent per annum on the revised arrear pension and gratuity calculated on and from May 19, 2009 till actual date of payment, that is, May 27, 2012. 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.

7. Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

8. The writ petition is, accordingly, disposed of. There will be no order as to costs.

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