
(2020) 01 CAL CK 0271

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 22915 (W) Of 2019

Sk. Fazlul Haque

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0271

Hon'ble Judges : Rajarshi Bharadwaj, J

Bench : Single Bench

Advocate : Debjani Sahu, Krishna Pal

Final Decision : Disposed Of

Judgement

Rajarshi Bharadwaj, J

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

The petitioner was appointed as an Assistant Teacher of High School, Burdwan and he retired from service on 31.05.2009. The first pension payment

order was issued on 21.08.2009. 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 04.10.2012 and the arrear pension was disbursed on 13.02.20113 in terms of ROPA, 2009. The

petitioner claims interest on delayed payment of the revised arrear pension.

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 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 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 calculated on and from 19.05.2009 till actual date of

payment that is 13.02.2013. 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.

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

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

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