
(2018) 12 CAL CK 0008
In the Calcutta High Court
Case No : Writ Petition 16879 (W) of 2018

Tapan Kumar Kundu

APPELLANT

Vs

State of West Bengal & Ors

RESPONDENT

Date of Decision : 04-12-2018

Acts Referred:

Citation : (2018) 12 CAL CK 0008

Hon'ble Judges : Shekhar B. Saraf, J

Bench : Single Bench

Advocate : Dipa Bhattacharya (Sarma)

Final Decision : Disposed Off

Judgement

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

The petitioner was an assistant teacher of a High School, Purba Medinipur, who retired on July 31, 2009. He had completed all his pension-related formalities prior to his retirement. However, the concerned authorities delayed and released his arrear pension on July 31, 2015. The petitioner herein seeks interest to be paid on the arrear pension for the interim period of delay in receipt of the 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. 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.

In view of the above and after hearing the learned counsel for both 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 arrear pension calculated from September 1, 2009 till the date of actual payment, that is, July 30, 2015. Such payment is to be made within a period of eight weeks from the date of communication of this order.

This 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 by the respondents.