

122 (M/L).
12-07-2022
debajyoti
(Ct. no.24)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7131 of 2021

**Jamuna Barui
Vs.
The State of West Bengal & Ors.**

Mr. Prabir Kumar Ray

... For the State.

The petitioner happens to be the widow of a retired employee of the Bhabanipur Gram Panchayet. The employee retired from service on 31st May, 2002 and Pension Payment Order was issued in his favour in the year 2006 and arrear pension and gratuity was paid in his favour in January 2007. The employee breathed his last on 2nd February, 2017.

The widow has filed the instant writ application praying for a direction upon the respondents to pay interest on account of the delayed payment of gratuity and arrear pension.

In the present case, it appears that the employee concerned was alive for more than 11 years after the issuance of the Pension Payment Order in his favour. The employee never raised any grievance challenging the delay in the disbursal of the terminal benefits. The widow after four years of the death of the employee has filed the present writ petition praying for grant of interest.

The conduct of the employee implies that he never had any objection on account of the delay in

releasing his terminal benefits. The employee waived his right to claim interest by not raising any objection at the time of issuance of the Pension Payment Order or at the time of disbursal of the terminal dues. The widow after so many years cannot be permitted to pray for grant of interest on account of the delayed payment of the pensionary dues of her deceased husband.

No relief can be granted in the instant case. The writ petition fails and is hereby dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)