

10 13.4.2021

gd/ssd

WPST 148 of 2015
CAN 1 of 2015 (Old: CAN 5088 of 2015)
(Through Video Conference)

Parimal Kumar Basu
Vs.
The State of West Bengal & Ors.

Mr. Maloy Ghosh, Advocate present in Court
..for the Petitioner

M/s. Tapan Kumar Mukherjee with
Nilotpall Chatterjee, Advocates (Through VC)
..for the State

The only grievance sought to be raised by the petitioner challenging the order dated September 03, 2014 passed by the West Bengal Administrative Tribunal (for short 'the Tribunal') in O.A. 1612 of 2012 is for grant of interest for delayed payment of the financial benefits payable to the petitioner on account of retrospective promotion.

The facts of the case are that the petitioner had joined as lower division clerk in the department on February 19, 1971. He took voluntary retirement with effect from October 31, 2006. Raising an issue that his junior was promoted in the year 1982, O.A. No. 6649 of 2007 was filed before the Tribunal, after the petitioner had already retired.

Since then the matter is in litigation. This is the third round of litigation. In terms of the earlier orders

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passed by the Tribunal directing consideration of the case of the petitioner, though he had raised an issue regarding the promotion of his junior nearly 25 years after his appointment, he was granted the promotional benefits. A sum of ₹3,22,550/- were also paid towards the promotional benefits to the petitioner. Vide impugned order, the Tribunal granted interest @8% p.a. on the financial benefits with effect from 15.12.2010 till the date of actual payment. The issue sought to be raised by the petitioner that he is entitled to get interest from the year 1982 onwards.

We do not want to express any opinion on the issue for the reason that on account of delay and latches on the part of the petitioner, he may not have been entitled to retrospective promotion, what to talk of getting financial benefits and payment of interest on account of promotional benefits. OA was filed in the year 2007 relating to a dispute regarding the cause of action which arose in the year 1982, i.e. 25 years later, after the petitioner had already sought voluntary retirement.

Be that as it may, as the petitioner has already been granted the promotional and financial benefits arising thereof.

We do not find any case is made out for grant of

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interest from the year 1982 onwards as the petitioner himself is to be blamed for the delay. The writ petition is accordingly dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)