

S/L 430  
27.04.2022  
Court No.24  
SD

WPA 1384 of 2022

Supriti Bag  
Vs.  
State of West Bengal & Ors.

*Mrs. Sabita Khutia (Bhunya)*

*...for the Petitioner.*

*Mr. Rama Prasad Sarkar*

*...for the State.*

Affidavit-of-service filed in Court today is taken on record.

The husband of the petitioner was a Primary School Assistant Teacher who retired from service on 31.01.2009 and died on 07.10.2012. The first pension payment order was issued on 21.01.2009. Under the ROPA Rules, 2009 there was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 01.7.2013 and the revised arrear pension and revised gratuity amount was disbursed on 02.8.2013 in terms of ROPA 2009. The petitioner claims interest on delayed payment of revised gratuity as also revised arrear pension.

The petitioner prays for payment of interest on account of his delayed payment of his retiral dues.

In the present case, it is noticed that the petitioner has approached this Court long after the Pension Payment Order was issued and payment made in accordance with the same.

The Hon'ble Supreme Court in Union of India –vs- Tarsem Singh reported in (2008) 8 SCC 648 clearly laid down that in so far as consequential relief of recovery of arrear for a past period is concerned the relief shall be

restricted only to a period of three years prior to the filing of the writ petition or from the date of demand made by the petitioner.

In the instant case the petitioner did not raise any demand before the respondents praying for release of interest on account of delay in making payment. The petitioner directly approached this Court praying for interest, that too, long after the PPO was issued.

The fact that the teacher never raised any issue or made any prayer for grant of interest on account of delayed payment of his terminal benefits at the time of issuance of PPO implies that the teacher waived his right to receive interest.

In view of the above, the Court is not inclined to exercise jurisdiction in the matter and grant any relief in favour of the petitioner.

The writ petition is dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Amrita Sinha, J.)**