

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2846 of 2022

Mina Devi
Vs.
The State of West Bengal & Ors.

Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Narattam Acharyya
Mr. Ankush Ghosh
... For the petitioner

Ms. Deblina Chattaraj
... For the WBTC

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

The petitioner's husband while in employment of Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation Limited (in short "WBTC") died on 11th May, 2006. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998") which were payable to her deceased husband. The petitioner's cause to claim interest on delayed payment had accrued immediately after the death of her husband on 11th May, 2006 but the petitioner has approached this Court only on 16th February, 2022. The representations made by the petitioner are not only belated but also does not revive the petitioner's claim.

Although, the issue sought to be raised in the instant writ petition is squarely covered by a recent judgment and order of this Court dated 14th September, 2021 passed in WPA 7490 of 2021 (Vivekananda Halder & Ors. v. The State of West Bengal & Ors.) but for the long delay on the part of the petitioner in approaching the Court disentitles her to the benefit. There is also no pleading or evidence to show that the petitioner's cause is a continuing one.

The writ petition is, therefor, required to be dismissed in view of the ratio laid down in 2008(8) SCC 648 (Union of India And Others vs. Tarsem Singh) and 2016 (13) SCC 797 (Asger Ibrahim Amin vs. Life Insurance Corporation of India) which, according to me, is applicable in this case as the petitioner's claim for interest on delayed payment shall be viewed in the line of retiral benefits being the subject matter of Asger Ibrahim Amin (supra) and Tarsem Singh (supra).

The writ petition is dismissed. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)