

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2847 of 2022

Palan Sardar
Vs.
The State of West Bengal & Ors.

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

Ms. Mitali Mukherjee
... For the State

Ms. Deblina Chattaraj
... For the WBTC

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

The petitioner is a retired employee of Calcutta Tramways Company (1978) Ltd. (in short “CTC”) now known as West Bengal Transport Corporation Limited (in short “WBTC”) who retired from services on 30th November, 2011. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short “ROPA 1998”) which is applicable to him. The cause to claim first arose in 2008 when the delay occurred. Even if it is accepted that till his retirement the petitioner had a continuing cause but the same crystallised on his retirement when the petitioner was not paid the interest.

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 the petitioner has approached this Court only on 16th February, 2022 to claim interest on delayed payment. The long delay on the part of the petitioner disentitles him 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. Tersem Singh) and 2016 (13) SCC 797 (Asger Ibrahim Amin vs. Life Insurance Corporation of India) which according to me also applies to the instant case as there is long delay and laches on the part of the petitioner in approaching the Court.

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.)