

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2914 of 2022

Bahamuni Tudu
Vs.
The State of West Bengal & Ors.

Mr. Golam Mohammad
... For the petitioner

Mr. Rajendra Chaturvedi
... For the State

Ms. Deblina Chattaraj
... For the WBTC

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

The petitioner's husband was an employee of Calcutta Tramways Company (1978) Ltd. now known as West Bengal Transport Corporation Limited (in short "WBTC") who retired from services on 31st October, 2015 and died on 12th December, 2017. 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 her deceased husband. The petitioner's husband during his life time did not claim the interest on delayed payment. The cause, if any, to claim interest arose on 2008 when the delay in paying the benefit occurred. Even if it is accepted that the cause to claim interest continued till the date of retirement of the

employee but it crystallised with his retirement. Although the petitioner's cause to claim may have accrued after the death of her husband on 12th December, 2017 but the long delay disentitles the petitioner from claiming 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.).

The enormous delay in approaching the Court, however, disentitles the petitioner from claiming interest. Nothing has been pleaded to show that the petitioner's claim is a continuing cause. In absence of the same the writ petition is liable to be dismissed for long delay and laches on the part of the petitioner 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 is applicable in this case.

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.)