

S/L 453
28.04.2022
Court No.24
s.biswas

WPA 4274 of 2022

Phulmani Mahata
Vs.
State of West Bengal & Ors.

Mr. Satyanarayan Kundu

... for the Petitioner

Mr. Mirza Kamruddin

... for the State

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

The husband of the petitioner was a Head Teacher of a primary school. He died in harness on 20.10.2006. The Pension Payment Order was issued on 14.02.2008 and the gratuity and arrear pension amount was received on 21.04.2008.

The petitioner prays for interest on account of the delayed payment of the terminal benefits.

In the present case, it is noticed that the petitioner has approached this Court long after the Pension Payment Order was issued in favour of her husband 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.

There is no explanation given with regard to the inordinate delay in filing the writ petition.

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.)