

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 6473 of 2022**

Shilpi Chanda  
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 was an employee of Calcutta Tramways Company (1978) Ltd. now known as West Bengal Transport Corporation Limited (in short "WBTC") who died while in employment on 2<sup>nd</sup> November, 2016. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998") which was payable to her deceased husband since the principal sum was paid belatedly. The petitioner received the final settlement dues of her deceased husband on 20<sup>th</sup> February, 2017.

The cause, if any, to claim interest arose on 2008 when the delay in paying the benefit occurred. The petitioner's cause to claim the principal sum has accrued

for the first time after the death of her husband on 2<sup>nd</sup> November, 2016. On the payment of the terminal benefits, the petitioner says that her cause to claim interest accrued on 20<sup>th</sup> February, 2017. There is no continuing wrong in the instant case even after February 2017. Even though the damage resulting from the wrongful act of the employer may continue after 20<sup>th</sup> February, 2017. The injury caused by the wrongful act does not continue. Thus, there is no continuous cause to enable filing of the writ petition after five years, the writ petition having been filed only on 8<sup>th</sup> April, 2022. Even if the period between 15<sup>th</sup> March, 2020 and 28<sup>th</sup> February, 2022 is taken out, then also the petitioner has approached this Court after expiry of three years. There is, as such, a long delay in filing the writ petition which 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 14<sup>th</sup> 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 except that she received the terminal benefits on 20<sup>th</sup> February, 2017. 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 to the facts of 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.)**