

272
13.04.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 8057 of 2021

**Prohladi Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Goutam Kumar Maity.
...For the Petitioners.**

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

None appears on behalf of the State respondents in spite of service.

The husband of the petitioner No.1 and the father of the petitioner nos. 2 and 3 was an Assistant Teacher of a primary school. He died-in-harness on 27.03.1986. The Pension Payment Order was issued in favour of the deceased teacher on 14.09.1995 and payment of the arrear pension amount was made on 25.11.1995.

The petitioners pray for interest on account of the delayed payment of the terminal benefits.

In the present case, it is noticed that the petitioners have approached this Court long after the Pension Payment Order was issued in favour of the deceased teacher 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 petitioners did not raise any demand before the respondents praying for release of interest on account of delay in making payment. The petitioners 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 petitioners.

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.)