

92
01.02.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 8103 of 2021

**Ghaneshyam Kayal
-versus
The State of West Bengal & Ors.**

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

**Ms. Neelam Singh.
...For the State.**

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

The petitioner was an Assistant Teacher and retired from service on 31.10.2012. The grievance of the petitioner is that the Pension Payment Order was issued on 13.11.2013 but the arrear pension amount was disbursed to him only on 29.12.2013. The petitioner claims interest on delayed payment of the arrear pension amount.

I have heard learned counsel for the parties and considered the orders passed by this court in similar facts.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim.

An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment. This is compensatory in nature.

In the present case it is noticed that the petitioner has approached this Court long after the Pension Payment Order was issued 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.

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.)