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01.02.2022
d.p.

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

W.P.A. 8121 of 2021

**Provash Chandra Gharami
-versus
The State of West Bengal & Ors.**

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

**Mr. Goutam Basu.
...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 31.10.1995. The grievance of the petitioner is that the Pension Payment Order was issued on 30.01.2001 but the arrear pension amount was disbursed on 29.02.2001. 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.

In the present case, it is noticed that though the petitioner received the arrear pension way back in 2001 but he has approached this Court in the year 2021 praying for interest on account of delayed payment of his arrear pension.

There is no explanation in the writ petition as to why the petitioner approached this Court after expiry of twenty years from the date of receipt of his dues. The conduct of the petitioner implies that he waived his right to receive interest and accordingly he cannot be permitted to law his claim for grant of interest at such a delayed date.

In view of the inordinate unexplained delay on the part of the petitioner, the Court is not inclined to interfere in the present case.

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.)