

154
19.05.2022
d.p.

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

W.P.A. 7756 of 2022

**Benukar Adhikari
-versus
The State of West Bengal & Ors.**

**Ms. Anima Das Chakraborty.
...For the State.**

None appears on behalf of the petitioner at the time of call.

The petitioner was a Primary School Assistant Teacher who retired from service on 31.01.2008. The first pension payment order was issued on 25.01.2008 and the arrear pension was disbursed on 07.05.2008. Under the ROPA Rules, 2009 there was revision of the pension and gratuity amount payable to the petitioner. The revised pension payment order was issued on 04.05.2011 and the arrear revised pension was disbursed on 06.08.2011 in terms of ROPA 2009. The petitioner claims interest on delayed payment of revised gratuity as also revised arrear pension.

The petitioner prays for payment of interest on account of delayed payment of his retiral dues.

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.

The fact that the petitioner did not raise any objection with regard to delayed payment of his terminal benefits for nearly sixteen years implies that the petitioner waived his right to claim interest.

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.)