

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9653 of 2022

Karamjit Adhikari & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debanik Banerjee
Mr. Aniruddha Ganguly
... For the petitioners

Mr. Sourav Mondal
... For respondents no.6, 7 & 8

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

The husband of the petitioner no.1 also being the father of the petitioner no.2 was an employee under the Department of Fisheries, Agriculture, Aquatic Resources and Fishing Harbours, Government of West Bengal. He died-in-harness on 6th December, 2008 while he was working as the Joint Secretary in the aforesaid department. The terminal benefits of the deceased employee were ultimately paid on 5th January, 2021. The petitioners are seeking interest for delayed payment of the terminal benefits of the deceased employee.

Delay in paying the retiral/terminal benefits attracts interest as has been held by the Hon'ble Supreme Court in the judgment reported in (2022) 4 SCC 627 [Dr. A. Selvaraj v. CBM College & Ors.]. However, in the instant

case, since the deceased was an employee of the State Government, this Court lacks the jurisdiction in receiving, trying and determining the writ petition in view of the provisions of Sections 3(q), 15 and 28 of the Administrative Tribunals Act, 1985.

The writ petition is, therefor, dismissed as withdrawn with liberty to file afresh on the selfsame cause of action, if permissible in law, before the appropriate forum.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)