

13.04.2022
SL No. 371
Court No. 24
(P.M)

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

WPA 19654 of 2021

**Lalmon Khatun
Vs
The State of West Bengal & Ors.**

Mr. Arun Khutia
... for the petitioner
Ms. Sipra Majumdar,
Ms. Prativa Ghatak
... for the State

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

The husband of the petitioner was an approved Assistant Teacher of a High Madrasah. He died in harness on 04.03.1996. On 29.08.2005 the Pension Payment Order was issued and the gratuity and arrear pension amount was disbursed on 06.12.2005.

The petitioner, being the widow, prays for interest on account of the delayed payment of the terminal benefits.

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.

The widow did not raise any demand before the respondent authority praying for interest on account of delayed payment of the terminal benefits. She directly approached this Court praying for interest, that too, long after the PPO was issued and payment received by her.

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 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.)

