

13.04.2022
SL No. 373
Court No. 24
(P.M)

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

WPA 19674 of 2021

**Rishi Kumar Sardar
Vs
The State of West Bengal & Ors.**

Mr. Tamal Taru Panda
... for the petitioner

Ms. Sipra Majumdar,
Ms. Sangeeta Roy
... for the State

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

The petitioner was an approved Assistant
Teacher of a primary school. He retired from service
on 30.09.1996. The Pension Payment Order was
issued in favour of the petitioner on 20.02.2002 and
the petitioner received the gratuity amount on
24.05.2002. Revised Pension Payment Order in
accordance with ROPA 1998 was issued on
15.07.2003 and payment was made on 20.09.2003.

The petitioner prays for interest on account of
the delayed payment of revised gratuity and revised
arrear pension.

In the present case it is noticed that the
petitioner has approached this Court long after the

revised 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.

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.)

