

13.04.2022
SL No. 376
Court No. 24
(P.M)

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

WPA 19691 of 2021

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

Mr. Arun Khutia
... for the petitioner

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

None appears for the State respondent.

The husband of the petitioner was an
approved Assistant Teacher of a High Madrasah. He
died in harness on 13.02.2000. 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.)

