

13.04.2022
SL No. 391
Court No. 24
(P.M)

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

WPA 19719 of 2021

**Nurnehar Bibi
Vs
The State of West Bengal & Ors.**

Mr. Tamal Taru Panda
... for the petitioner

Mr. Sailendra Nath Chakraborty
... 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 Primary School. He retired on 31.12.1997 and died on 26.08.2018. On 06.01.2000 the Pension Payment Order was issued in favour of the husband of the petitioner and the gratuity and arrear pension amount was disbursed on 20.12.2000. Revised Pension Payment Order in accordance with ROPA 1998 was issued on 27.03.2002 and payment made on 04.08.2002.

The petitioner 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.

In the instant case the teacher did not raise any demand before the respondents praying for release of interest on account of delay in making payment. The widow directly approached this Court praying for interest, that too, long after the PPO was issued and payment received by her deceased husband.

The conduct of the teacher implies that he waived his right to claim interest on account of the delayed payment of his terminal benefits.

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.)

