

15.03.2022
Sl. No.38
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19901 of 2021

Shekh Dhiman Pramanick & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Golam Mohammad
....for the petitioners.

Mr. Rajarshi Basu,
Ms. Susnita Saha
....for the State.

Ms. Deblina Chattaraj
....for WBTC.

The petitioners' father was an employee of Calcutta Tramways Company (1978) Ltd. now known as West Bengal Transport Corporation Limited (in short "WBTC"), who retired from services on 31st December, 2012 and died on 23rd March, 2018. The petitioners claim interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998"), the principal amount of which the petitioners' father received much after it had fell due. The petitioners' father during his life time did not claim the interest on delayed payment. The cause, if any, to claim interest arose on or before 2008 when the delay in paying the benefit occurred. Even if it is accepted that the cause to claim interest continued till the date of retirement of the employee but it crystalised with his retirement. Although the petitioners' cause to claim may have accrued after the death of their father on 23rd March, 2018, but the long delay on the part of the petitioners in claiming the relief disentitles the petitioners from

claiming interest, as such right, if any, flow to the petitioners from their father.

The issue sought to be raised in the instant writ petition is squarely covered by a recent judgment and order of this Court dated 14th September, 2021 passed in WPA 7490 of 2021 (Vivekananda Halder & Ors. v. The State of West Bengal & Ors.).

The failure on the part of the petitioners' father in claiming the reliefs has resulted in enormous delay on the part of the petitioners in approaching the Court, which disentitles the petitioners from claiming interest. Nothing has been pleaded to show that the petitioners' claim is a continuing cause. In absence of the same the writ petition is liable to be dismissed for long delay and laches on the part of the petitioners in view of the ratio laid down in 2008(8) SCC 648 (Union of India And Others vs. Tarsem Singh) and 2016 (13) SCC 797 (Asger Ibrahim Amin vs. Life Insurance Corporation of India) which according to me is applicable to this case.

The writ petition is dismissed. There shall be no order as to costs.

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

(Arindam Mukherjee, J.)