

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

W.P.A. 20610 of 2021

**Nisi Kanta Patra
-versus
The State of West Bengal & Ors.**

**Mr. Tamal Taru Panda
...For the Petitioner.**

**Mr. Gautam Basu
...For the State.**

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

The petitioner was an Assistant Teacher of a primary school. He retired from service on 28.02.1999. The first Pension Payment Order was issued in favour of the petitioner on 18.03.2002 and the arrear pension was disbursed on 05.09.2002. The revised pension payment order was issued on 09.01.2003 and the petitioner received the arrear pension amount on 25.03.2004.

The petitioner prays for payment of interest on account of delayed payment of his retiral dues.

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 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.

The fact that the petitioner did not raise any objection with regard to delayed payment of his terminal benefits for a considerable period of time implies that the petitioner waived his right to claim interest.

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.)