

129
13.05.2022
Ct. No.24
BM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 20742 of 2021

Rahima Begum
-versus
The State of West Bengal & Ors.

Mr. Tamaltaru Panda

... for the Petitioner.

Ms. Sangeeta Roy

... for the State

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

None appears on behalf of the State respondents
in spite of service.

The husband of the petitioner was an Assistant
Teacher of a Primary School. He retired from service on
30.06.2005. He died on 13.11.2012. The Pension
Payment Order was issued in favour of husband of the
petitioner on 27.03.2006 and the husband of the
petitioner received the arrear gratuity amount on
27.09.2006.

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 in favour of her
husband 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.

The fact that the teacher was alive after receiving the Pension Payment Order and he never raised any issue or made any prayer for grant of interest on account of delayed payment of his termination benefits implies that the teacher waived his right to receive 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.)