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08.03.2022
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 170 of 2022
(Via Video Conference)**

**Smita Hazari
-versus
The State of West Bengal & Ors.**

**Mr. Debajit Kundu,
...For the Petitioner.**

**Mr. Bikramaditya Ghosh,
Mr. Pretom Das.
...For the State.**

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

The petitioner being the widow of a deceased teacher has filed this writ application praying for grant of interest on account of delay in payment of the revised arrear pension in favour of her husband.

According to ROPA Rules 2009 there was a revision of pay and the revised PPO was issued in favour of the deceased teacher in the year 2012 and the money was disbursed in his favour in the year 2013.

The teacher died on 5th January, 2017. The teacher was alive for a period of four years after receiving the revised pension payment order but never raised any issue with regard to payment of interest on account of the delayed payment of the revised arrear pension. After five years after the death of the teacher,

the widow has approached this Court praying for grant of interest on account of the said delay.

The conduct of the employee when he was alive clearly shows that he waived his right to receive interest on account of the delay caused in making payment. The widow, five years after the death of her husband, cannot be permitted to reopen the said issue and claim interest.

In view of the above, no relief can be granted in the instant case.

The writ petition fails, and is, hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)