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10.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 485 of 2022

Remuna Alley
-versus
The State of West Bengal & Ors.

Mr. Deborshi Dhar ... For petitioner

Mr. Subir Kumar Saha, Ld. A.G.P.
Mr. Momenur Rahman ... For the State

The husband of the petitioner was a teacher. He retired from service on 31st July, 2018 and the pension payment order was issued in his favour on 20th November, 2018. The teacher received his gratuity and arrear pension amount on 5th December 2019. The teacher expired on 28th January, 2020.

After expiry of the teacher, the widow has presently approached this Court in 2022 praying for grant of interest on account of delayed payment of the retiral dues of the deceased teacher. The teacher was alive for nearly a year after receiving the gratuity and arrear pension. He never raised any claim for grant of interest for such delayed payment.

It appears from the conduct of the teacher that he waived his right to claim interest on account of delay in receiving the retiral dues. Two years after the death of the teacher, the widow ought not to be permitted to re-open the

case of the deceased teacher praying for interest on account of delayed payment.

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

The writ application fails and is hereby dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)