

Circuit Bench of Calcutta High Court at Jalpaiguri

40.
11.05.2022
Bd.

W.P.A. 555 of 2022

Sivamani Singh

-vs-

The State of West Bengal & Ors.

Mr. Deborshi Dhar

....for the petitioner.

Mr. Subir Kumar Saha

Mr. Bikramaditya Ghosh

....for the State.

Affidavit-of-service filed in Court is kept with the record.

Petitioner is the retired primary teacher who retired on superannuation on 31st August, 1996. After retirement of the petitioner Pension Payment Order was issued on 14th February, 2000 thereby retiral dues including gratuity were released in favour of the petitioner. Petitioner has preferred this present writ petition after approximately 22 years claiming interest on gratuity and arrear pension.

State respondents are represented by Mr. Subir Kumar Saha, learned Additional Government Pleader, who opposes the prayer of the writ petitioner on the point of delay.

On chronological analysis of the aforesaid facts it appears that it was open to the petitioner to approach this Court within the

reasonable time with the claim of interest on gratuity and arrear pension due to delay in releasing the same. Petitioner slept over his right for over 22 years and finally woke up from slumber and filed the present writ petition. It appears that such claim of the petitioner has become stale due to efflux of time. In this regard reliance has been placed on the Judgment of the Apex Court reported in 2007(9)SCC page 278 (New Delhi Municipal Council –vs- Pan Singh and Ors.) wherein the Hon'ble Apex Court has succinctly decided that petitioner should approach the Court within the reasonable time in order to get equitable relief.

In view of the above conspectus this Court does not find any merit in the writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)