

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
W.P.O. No.1462 of 2022
Ozida Bibi.
Versus
The State of West Bengal & Ors.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 14th March, 2022.

Mr. Debdutta Basu, Adv.
... for Writ Petitioner.

Mr. Niladri Bhattacharjee with
Ms. Deblina Chattaraj, Advs.
... for WBTC.

Mr. Subhabrata Dutta with
Mr. Paritosh Sinha &
Mr. Debasish Ghosh, Advs.
... for State Respondent.

Affidavit of service, filed in Court today, be taken on record.

The petitioner's husband was an employee of Calcutta Tramways Company (1978) Ltd. (in short 'CTC') now known as West Bengal Transport Corporation Ltd. (in short 'WBTC') who retired from services on 31st March, 2009 and died on 10th August, 2018 leaving behind his wife as his legal heiress to receive the family pension and other benefits. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short 'ROPA 1998') contending that her deceased husband was entitled to the same. The petitioner's husband, as appears from record, became entitled to claim such interest much prior to his retirement. During his lifetime, the petitioner's husband did not claim the interest on delayed payment. The cause, if any, to claim interest arose

in 2008 when the delay in paying the benefit occurred. Even if it is accepted that the cause to claim interest continued till the date of retirement of the employee but the same crystallised with his retirement. Although the petitioner's cause to claim may have accrued after the death of her husband on 10th August, 2018 as the legal heiress, but the petitioner has also approached this Court only on 10th March, 2022 to claim interest on delayed payment.

The issue sought to be raised in the instant writ petition is squarely covered by a recent judgement and order of this Court dated 14th September, 2021 passed in WPA 7490 of 2021 (Vivekananda Halder & Ors. v. The State of West Bengal & Ors.).

The failure on the part of the petitioner's husband in approaching the Court during his lifetime and on the petitioner approaching this Court in 2022 for a claim which arose in 2008 amounts to enormous delay in approaching the Court which disentitles the petitioner from claiming such interest. Nothing has been pleaded to show that the petitioner's claim is a continuing cause. In absence of the same, the writ petition is liable to be dismissed for long delay and laches on the part of the petitioner as her right, if any, flows from her husband in view of the ratio laid down in 2008 (8) SCC 648 (Union of India & Ors. v. Tarsem Singh) and 2016 (13) SCC

797 (Asger Ibrahim Amin vs. Life Insurance Corporation of India) which according to me is applicable in this case.

The writ petition is dismissed. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(ARINDAM MUKHERJEE, J.)