

Item No. 08

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON : 05.04.2023

DELIVERED ON : 05.04.2023

CORAM:

**THE HON'BLE ACTING CHIEF JUSTICE T. S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**FMA 885 of 2022
with
I.A. NO. CAN 1 of 2022**

**Bulu Rani Lohar & anr.
vs.
Union of India & Ors.**

Appearance:-

Mr. Kamal Kanta Kar

... for the appellants

Ms. Chandreyi Alam

... for the U.O.I.

JUDGMENT

***(Judgment of the Court was delivered by The Hon'ble Acting Chief Justice
T.S.SIVAGNANAM)***

1. This intra-Court appeal filed on behalf of the writ petitioner is directed against the order dated 28.02.2022 passed in WPA 20973 of 2021. The writ petition was filed for sanction of freedom fighter's pension. The learned writ court

has disposed of the writ petition by directing that the arrears of the freedom fighters shall be paid for the period on and from October 24, 2015 to August, 2018.

2. It is submitted by the learned counsel for the petitioner that the arrears have been paid. Though there was no specific prayer sought for in the writ petition for payment of interest, it appears that oral submission was made, however, the learned writ court was not inclined to grant interest for the alleged delayed payment. Admittedly, the payment of pension is under a scheme and the appellants have not made out any case for failure on the part of the authorities to grant arrears of the pension. Appropriately the claim for interest cannot be sustained. Therefore, we find no error in the order dated 28.02.2022.

3. Further, we find that the writ petition was filed in the year 2021. Thus, the appellants/writ petitioners themselves have contributed to the delay. Therefore, we find no reason to interfere with the order passed by the learned Single Bench. Thus, the instant appeal fails and is hereby **dismissed**. Consequently, connected application, if any also stands disposed of.

(T.S. SIVAGNANAM)
ACTING CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)