

17.09.2024
Sl. No.42
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15218 of 2024

Salim Aktar
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey,
Ms. Dipanwita Ganguly
....for the petitioner.

Ms. Deblina Chattaraj,
Ms. Priyanka Kundu
....for WBTCCL.

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

The writ petitioner retired from the services of Calcutta Tramways Company (1978) Ltd. (in short “CTC”) now known as West Bengal Transport Corporation Limited (in short “WBTCCL”) on 31st July, 2015. The petitioner was given the final statement of his retiral benefits on 3rd September, 2015 and was paid all the retiral benefits by 8th May, 2015. The petitioner says that there was a delay of about 3 months and 7 days in paying his retiral benefits.

The writ petition has been filed on 3rd June, 2024, after lapse of about 9 years. The petitioner has approached this Court after an inordinate delay of 9 years. The delay in paying the retiral benefits for

which the petitioner is claiming interest does not amount to continuous wrong on the part of the employer which would entitle the petitioner from claiming interest for delayed payment of his retiral benefits after 9 years.

The concept of continuing wrong has been explained in **Balakrishna Savalram Pujari Waghmare vs. Shree Dhyaneshwar Maharaj Sansthan** reported in **AIR 1959 SC 798**, which has been approved in **(2008) 8 SCC 648 (Union of India & Ors. vs. Tarsem Singh)**. This ratio has been followed in **(2016) 13 SCC 797 (Asger Ibrahim Amin vs. Life Insurance Corporation of India)** as also in **2022 SCC Online 641 (Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal Corporation)**.

The writ petition is liable to be dismissed as the petitioner has approached this Court after 9 years on the ground of delay and laches.

The writ petition is accordingly dismissed, however, without any 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.)