

29.07.2024
Item No.118
Crt.No.02
b.r.

WPA 10860 of 2020

Sri Chittaranjan Khanra
-vs-
The State of West Bengal & Ors.

Mr. Jamaluddin Ahamed
.... For the petitioner.

Mr. Susanta Pal
Ms. Ananya Neogi
.... For the State.

The petitioner was employed in the year **1979**.
The petitioner was superannuated in the year **2015**.
Meanwhile, in the year 2010, the petitioner filed a writ
petition claiming certain monetary benefit arising out
his employment in terms of a **Memo dated May 14,**
2004 mentioned in a document being **annexure p-5 at**
page-24 to the writ petition and the document is of
2011.

A co-ordinate Bench by its order dated **May 10,**
2011 disposed of the writ petition with a direction upon
the respondent no.4 in **WP 24015(W) of 2010** to
consider the representation of the petitioner dated **April**
6, 2010.

Since the said direction was not complied, the
petitioner filed a contempt proceeding being **CPAN**
1253 of 2019 which was dismissed on the ground of
limitation by a co-ordinate Bench under its order dated

February 6, 2020 annexure p-6 at page-26 to the writ petition.

The petitioner then in 2020 filed the instant writ petition claiming the departmental promotion and the allied consequential benefits.

Mr. Jamaluddin Ahamed, learned advocate appears for the petitioner. He submits that the claim of the petitioner is genuine and bona fide and the petitioner is eligible to receive his claim in terms of the said Memo dated **May 14, 2004** as referred to above.

Mr. Susanta Pal, learned State counsel appears for respondent nos. 1 to 5.

The Prodhhan is not represented.

After considering the submissions made on behalf of the parties, it appears to this Court that the admitted fact is the petitioner was superannuated in the year 2015. The previous writ petition was filed in 2010 in which the said order dated May 18, 2011 was passed. The contempt proceeding was filed in 2019 which was grossly barred by limitation. The petitioner now seeks to pursue his alleged claim after about 9 years by filing the said writ petition after the previous writ petition was disposed of.

The petitioner has filed the instant writ petition after about 5 years of his superannuation.

In view of the foregoing reasons and discussions, this Court is of the firm opinion that after 5 years of superannuation of an employee no claim relating to his employment for promotion and allied financial benefit should be entertained by a writ Court in exercise of its equitable jurisdiction. The settled law is delay defeats equity.

Accordingly, this writ petition, **WPA 10860 of 2020** stands **dismissed**, without any order as to costs.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

(Aniruddha Roy, J.)