

OD-5

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/37/2024

OMPRAKASH YADAV
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 5th March, 2024.

*Appearance :
Mr. Debdutta Basu, Adv.
... for the petitioner.*

*Ms. Deblina Chattaraj, Adv.
Ms. Angana Dutta, Adv.
... for the respondent.*

The Court : - 1. The petitioner has filed the instant writ petition claiming compensation for delay in payment of retiral benefits. The petitioner superannuated from service in April, 2021. He was paid all retirement benefits in 9th August, 2021. The petitioner approached Court for the first time in the year 2023, seven years after receiving his terminal benefits, with an additional cause of action.

2. In so far as the delay in payment of retiral benefits of five months, one needs to bear mind the dicta of the Supreme Court in the case of **Union of India Vs. Tarsem Singh**, reported in **(2008) 8 SCC 648**. While

the right of an employee to interest on delayed payment of retiral benefits has been upheld, it is equally settled that a delayed claim for retiral benefits would affect the right of interest.

3. In the facts and circumstances of the case, WPO/37/2024 stands disposed of by directing the respondent/employer to pay interest at the rate of 6% per annum for the period of five months on the total amount of terminal benefits paid to him within a period of one month from date.

4. Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(RAJASEKHAR MANTHA, J.)