

18.06.2025
Court No. 18
Item No. 2167 (ML)
(**Suvendu**)

WPA 16200 of 2024

Suphal Chandra Pramanik
-Versus-

The State of West Bengal & Ors.

Mr. Sandip Ghosh
Mr. Partha Sarkar
.....for the petitioner

Ms. Paramita Pal
.....for the State

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Petitioner has claimed interest on arrear pension in view of the fact that petitioner being an Assistant Teacher retired on superannuation on 31st July, 2008 but Pension Payment Order was issued on 8th December, 2023. Therefore according to the petitioner, due to delay caused in issuing Pension Payment Order and making payment in terms of said Pension Payment Order petitioner is entitled to receive interest on arrear pension.

While perusing the writ petition, it appears that after issuance of Pension Payment Order on 8th December, 2023 a writ petition was filed being WPA 5489 of 2024 and same was disposed of by a Coordinate Bench vide order dated 11th March, 2024

directing the concerned State respondents to pay interest on gratuity due to delayed payment.

In the order dated 11th March, 2024 it has been specifically recorded by the Coordinate Bench that the petitioner prayed for an order for release of interest on delayed payment of gratuity which goes to show that right of the petitioner to get interest on arrear pension was waived at the time of consideration of said writ petition. Subsequently by filing the present writ petition petitioner cannot claim interest on arrear pension since such claim is barred by constructive *res judicata*. Issue involved in this writ petition could have been agitated in the earlier writ petition being WPA 5489 of 2024.

Hence, writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

