

S/L 32
04.09.2025
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17842 of 2025

Sushil Kumar Dutta

Vs.

The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

Mr. Sibendu De

...for the Petitioner.

Mr. Tanweer J. Mandal

...for the State.

1. Affidavit of service filed on behalf of the petitioner be taken on record.
2. The petitioner is the husband of a teacher who retired on superannuation on March 31, 2013. After superannuation of wife of the petitioner, pension payment order was issued on June 27, 2013 thereby releasing retiral dues in favour of the wife of the petitioner. The wife died on May 22, 2016.
3. It is submitted on behalf of the petitioner that in terms of the order passed by this Court on previous writ petition being WPA 20520 of 2024, the petitioner was granted family pension. Due to delay caused in releasing family pension in favour of the petitioner by presenting this writ petition, prayer is made for payment of interest on arrear family pension.
4. State-respondents are represented by learned advocate who has opposed the prayer of the petitioner since it is submitted that delay is not attributable to the State authorities in releasing family pension.
5. Taking note of the submission made on behalf of the parties and on perusal of the order dated August 22,

2024 passed in a writ petition being WPA 20520 of 2024, it transpires that name of the petitioner in the pension payment order dated June 27, 2013 was wrongly recorded.

6. The pension payment order was issued on June 27, 2013 but previous writ petition was filed in the year 2024. Question arises for consideration what steps petitioner did take after issuance of pension payment order on June 27, 2013 and prior to filing of writ petition being WPA 20520 of 2024.
7. In order to substantiate the case made out in the writ petition in support of releasing interest as prayed for, reliance is placed on a representation dated July 10, 2025 but same does not come in the aid of the petitioner as the said representation was preferred after the order was passed by this Court on August 22, 2024.
8. Therefore, it appears that after issuance of pension payment order on June 27, 2013, contemporaneous steps were not taken for correction of name of the petitioner in the said pension payment order.
9. Moreover, at the time of disposing of the previous writ petition being WPA 20520 of 2024, prayer was not made for grant of interest on family pension. Therefore, the petitioner is estopped from raising this issue by filing this writ petition as the same is barred by constructive *res judicata*.
10. Hence, the writ petition stands dismissed.
11. There shall be no order as to costs.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)