

15.01.2025

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28216 of 2024

Pradyot Kumar Tripathy & Ors.

-Vs-

State of West Bengal & Ors.

Mr. Sk. Rejaul Alam

... for the petitioners

Pursuant to the direction of this Court dated 3rd January, 2025, the deficit court fees have been paid.

None appears on behalf of the respondents but the matter, having been heard at length on a previous occasion, has been placed under the heading “For Orders” for passing of the formal order. In such circumstances, the matter is taken up in absence of the respondents.

The petitioners have placed before the Court, as per previous direction, a chart showing the date of demobilization and the date of receipt of the ex-gratia amount of Rs. 50,000/- in respect of each of the petitioners, which is taken on record. The chart has been prepared from the facts and figures provided in the representation of the petitioners which are annexed to the writ petition and as such these are not new facts and figures but are already on record.

On a perusal of the said chart, it appears that the petitioners have retired between 20th October, 2010 and 5th October, 2018. The payment of the ex-gratia amount of Rs. 50,000/- has been made between 5th July, 2017 to 29th November, 2023. The writ petition has been filed on 26th November, 2024. It, therefore, appears that some of the petitioners have approached this Court after five years from the date of receipt of the ex-gratia amounts for interest on delayed payment. The law is well settled that in case of belated service related claim unless it is a continuing cause of action, the claim should not be entertained. If the Tribunal is approached then the period of limitation will be three years while in case of writ petition, if it is made after a reasonable period, the same has to be dismissed on the ground of inordinate delay and laches on the part of the petition.

In the aforesaid facts and circumstances, although, I am minded to dismiss the claim of some of the petitioners, who have approached this Court after expiry of five years but taking into account that even in case of those who had received the ex-gratia amounts in 2017, the three years period expired within the pandemic when the application for limitation remained suspended pursuant to orders passed by the Hon'ble Supreme Court. The orders passed by the Hon'ble Supreme Court provide for a cut-off date for 28th February, 2022. In the said orders, it has been clearly

mentioned that in case of litigations wherein the limitation period has expired within the suspended period, the litigant has to approach the Court/forum within 90 days from 1st March, 2022. Taking a sympathetic view, I am ultimately not inclined to reject the claims wherein this Court has been apprehended after 3 years. I, therefor, allow interest for delayed payment of the ex-gratia amounts to each of the petitioners. The petitioners shall be paid interest @ 6% per annum for the period from their demobilization upto the period when they have been paid the ex-gratia amounts. The payment of interest has to be made within 31st March, 2025 failing which the rate of interest will increase from 6% to 8% per annum.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

The petitioners shall serve a copy of the order upon the respondents within a period of ten days from date. The respondents and the concerned authority to make payment of the interest as directed shall act on the server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

(Arindam Mukherjee, J.)