

S/L 63
08.4.2021
Court No. 26
SD

**WPA 2883 of 2021
(Via Video Conference)**

Sk. Abu Bakkar
Vs.
State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

...for the Petitioner.

Affidavit of service filed in court today is kept with the record.

The petitioner prays for interest on the arrear revised salary for the delayed period from May 22, 2012 to March 29, 2019.

Learned counsel for the petitioner submits that the petitioner was engaged as a Guest Teacher in the concerned school from 23.6.2009 to 06.7.2011. The petitioner's arrear bill was however forwarded by the Member Secretary of the said school to the District Inspector of Schools (SE), Howrah, (in short, 'D.I. of Schools') on October 31, 2017 followed up with a calculation counter-signed by the D.I. of Schools showing that the petitioner was entitled to Rs.1,53,246/- as the total amount of arrear remuneration claimed. The date of the counter-signature by the D.I. of Schools is February 1, 2018. The petitioner was finally given the said amount on March 29, 2019 by the concerned Treasury Officer.

Counsel for the petitioner submits that the petitioner is entitled to interest for the intervening period of delay from May 22, 2012 to March 29, 2019.

Having heard the counsel for the parties, this Court finds no reason for the delay on the part of the school authority to forward the bill of the petitioner to the D.I. of Schools after more than seven years from the date of retirement of the petitioner which was on 06.7.2011. Having received the bill, the D.I. of Schools was also equally liable for the second round of delay of more than one year in releasing the petitioner's arrear salary.

Having regard to the aforesaid, this Court is of the view that the petitioner is entitled to an interest of 8% per annum calculated from May 22, 2012 to March 29, 2019. The respondent nos.2, 4 and 8 are accordingly directed to pay the amount calculated as aforesaid as directed to the petitioner within a period of three weeks from the date of communication of this order.

With these observations, the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Shekhar B. Saraf, J.)