

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3528 of 2022

Prabir Kumar Goswami & Ors.
Vs.

The State of West Bengal & Ors.

Mr. Sukumar Bhattacharya,
Ms. Soumashree Ghosh,
Ms. Swaralipi sarkar
.... For the petitioners.

Mr. Md. Mansoor Alam
... For the State.

Ms. Deblina Chattaraj,
Mr. Aditya Chaturvedi,
Mr. Rohan Chatterjee,
Ms. Angana Dutta
... For WBTC.

Eighteen retired employees of Calcutta Tramways Company (1978) Limited, now known as the West Bengal Transport Corporation Limited (in short, “WBTC”) have joined as petitioners, *inter alia*, claiming interest for delayed payment of the benefits under the Revision of Pay and Allowance (in short “ROPA”) 1998. The benefits of ROPA 1998 were given to the employees retrospectively. The arrears between 1st April, 1997 to 31st March, 2000 with interest was promised to be paid in five instalments, first of which was to be paid not before November, 2002. The arrears have been paid to the petitioners in five instalments as assured but the payments were made out of time. The petitioners are, therefor, claiming interest for the period between the scheduled date of the instalments

and the actual date on which the instalments were paid.

Out of eighteen petitioners, the petitioner no.15 and petitioner no.18 have respectively retired from service on 31st October, 2019 and 31st January, 2017. All other petitioners have retired prior to 2016. The claim for interest, if any, had accrued in favour of the petitioners on the instalments having not been paid on scheduled dates. This cause at the highest continued till the date of retirement of each of the petitioners. The petitioners were to receive the amount on account of interest, if any, at the time of retirement. Apart from petitioner nos. 15 and 18 all other petitioners have approached this Court after an inordinate delay. The claims of the petitioner nos. 1 to 14, 16 and 17 therefor cannot be entertained due to delay and laches on the part of the said petitioners in view of the ratio laid down in the judgment reported in (2008) 8 SCC 648 (Union of India & Ors. Vs. Tarsem Singh) following the ratio laid down in AIR 1959 SC 798 (Balakrishna Savalram Pujari Waghmare vs. Shree Dhyyaneshwar Maharaj Sansthan). This issue has also been dealt with in many of the judgments passed by this Court. Reference can be made in this context to the judgment delivered in **WPA 6166 of 2022 (Nihar Ranjan Sakar vs. The State of West Bengal & Ors.)** on 26th April, 2022.

In the aforesaid facts and circumstances, the claim of the petitioner nos. 1 to 14, 16 and 17 are dismissed. So

far as the claim of the petitioner nos. 15 and 18 are concerned, the respondents are directed to pay interest at the rate of 6 per cent per annum on the aggregate amount paid to the said petitioners by way of the aforesaid five instalments for the period between the scheduled date of payment of each instalment and the date of actual payment of such instalments within a period of six months from date.

In default of payment of the aforesaid interest within a period of six months, the rate of interest shall increase to 8 per cent.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)