

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3639 of 2022

Smt. Manjula Pattanayak & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Moloy Roy
... For the petitioner

Mr. Kapil Guha
... For the State

Ms. Deblina Chattaraj
... For the WBTC

Affidavit of service filed in Court today is taken on record.

Six persons have joined as petitioners with separate and independent claims arising out of separate set of facts, though they may have a common cause against a common set of respondents.

The petitioners no.1, 2 and 3 are retired employees of Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation Limited (in short "WBTC"). The petitioner no.4 is the widow of a retired employee. The respondents no.5 and 6 are the legal heirs of a retired employee who had died after having retired from service.

The petitioners no.1, 2 and 3 have retired on diverse dates. The husband of the petitioner no.4 and the

mother of the petitioners no.5 and 6 have died on different dates. All the petitioners, therefor, cannot be placed in the same platform while dealing with their claims.

The writ petition, therefor, with the consent of the parties, is treated to have been filed only by the petitioner no.1 as the sole petitioner.

Advocate for the petitioners is granted leave to delete the petitioners no.2 to 6 from the cause title of the writ petition.

The Department/Registry shall take appropriate steps to incorporate the corrections in the records and register accordingly.

So far as the claim of the petitioner no.1 as the sole petitioner is concerned, the petitioner no.1 retired from service of CTC on 30th April, 2020 on attaining the age of superannuation. The petitioner no.1, being the sole petitioner after the deletion of names of other petitioners, is claiming interest for delayed payment of the benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998")

This issue of delayed payment of ROPA benefits has been considered in a recent judgment and order of this Court dated 14th September, 2021 passed in WPA 7490 of 2021 (Vivekananda Halder & Ors. v. The State of West Bengal & Ors.). The petitioner having retired in the year

2020 has approached this Court on 28th February, 2022 and, as such, there is no long delay or laches on the part of the petitioner.

This writ petition is, as such, disposed of with the similar directions as rendered in the above-mentioned writ petition, which are as follows:-

The respondents shall pay interest from the scheduled date of payment on the amounts paid to the petitioner till 2008 or till the date of actual payment of such arrears whichever is earlier, less interest, if any, already paid, at the rate of 7% per annum to the petitioner within a period of six months from the date of communication of a photostat certified copy of this order.

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

So far as the petitioners no.2, 3, 4, 5 and 6 are concerned, they are given liberty to file separate writ petitions ventilating their individual grievances on the selfsame cause of action.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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.)