

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4639 of 2022

Sukla Dey

Vs.

The State of West Bengal & Ors.

Mr. Srinjay Sengupta,
Mr. Narattam Acharyya,
Mr. Saurav Roy,
Mr. Ankush Ghosh

... for the petitioner.

Mr. Bipin Ghosh

... for the State.

Ms. Deblina Chattaraj

... for the WBTC.

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

The petitioner's husband was an employee of Calcutta Tramways Company (1978) Ltd. now known as West Bengal Transport Corporation Limited (in short "WBTC") who retired from services on 31st January, 2019 and died on 5th June, 2021. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998"), the principal amount of which was received by the petitioner's deceased husband sometimes around 2008. Although, the principal sum was paid in between 2006-2008, the petitioner's husband till the date of his retirement could have been paid the interest amount as the master-servant relationship continued till such date. The right to claim interest in favour of the petitioner's husband was, therefor, alive and crystalized only on his retirement on 31st January, 2019. The petitioner's husband died within two and a half years from his retirement. The petitioner has

filed the writ petition on 14th March, 2022, that is, also within one year from the date of death of her husband. The interest benefit receivable by the petitioner's husband also forms part of the estate left behind by the petitioner's husband.

The issue sought to be raised in the instant writ petition is squarely covered by 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.).

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's husband 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 server copy of this order without insisting upon production of a certified copy.

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.)