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26.04.2022
Ct. No.23
PP.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6172 of 2022

Smt. Sulekha Koley & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Moloy Roy
... for the petitioners.

Ms. Sucharita Roy
... for the State.

Mr. Aditya Chaturvedi
... for the WBTC.

The petitioner no.1 is the widow of an employee of Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation (in short "WBTC"), who died on 13th January, 2020 while he was in service. The petitioner no.2 is the son of the deceased employee. The petitioners claim interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998") which was payable to the deceased employee. The principal amount appears to have been paid to the deceased employee on diverse dates upto 2008. Till the husband of the petitioner no.1 retired from services, the claim for interest was alive as the cause of action to claim interest accrued for the first time in 2008 and continued till the employer – employee relationship came to an end on retirement. Unfortunately, husband of the petitioner no.1 died prior to superannuation. In the instant case, there is as such no inordinate delay or laches on the part of the petitioner in claiming the interest or in approaching the Court with such claim.

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.).

As such, this writ petition is 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 of the amounts paid to the deceased employee under ROPA 1998 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 petitioners 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.)