

19.04.2022
Sl. No.74
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6475 of 2022

Rupa Dey
Vs.
The State of West Bengal & Ors.

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

....for the petitioner.

Mr. Suman Dey

....for the State.

Ms. Deblina Chattaraj

....for 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. (in short "CTC") now known as West Bengal Transport Corporation (in short "WBTC"), who died on 26th June, 2021 while he was in service. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998") which was payable to her husband. The principal amount appears to have been paid to the petitioner's husband on diverse dates upto 2008. Till the petitioner's husband retired from services the claim for interest was alive. Unfortunately, petitioner's husband died prior to superannuation. 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 petitioner's husband 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 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.)