

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6498 of 2022

Smt. Sharmi Mukherjee & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Moloy Roy

... for the petitioner.

Mr. Aditya Chaturvedi

... for the WBTC.

The petitioners' mother 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 30th November, 2019 and died on 25th December, 2021. The petitioners claim 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 petitioners' deceased mother sometimes around 2008. Although, right to claim interest accrued in favour of the petitioners' mother in 2008 but the petitioners' mother, till the date of her retirement, could have been paid the interest amount. The right to claim interest in favour of the petitioners' mother was alive even after 2008 and finally crystalized only on her retirement on 30th November, 2019. The petitioners' mother died on 25th December, 2021, i.e., within almost two years from her retirement. The petitioners have filed the writ petition on 8th April, 2022, that is also within three years from the date of death of their mother. There is as such no inordinate delay or laches on the part of the petitioners in approaching the Court.

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 petitioners' mother 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.)