

19.04.2022
Sl. No.84
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6500 of 2022

Nisar Hussain @ Nisar Hossain
Vs.
The State of West Bengal & Ors.

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

....for the petitioner.

Ms. Chama Mookherjee,
Ms. Paramita Pal

....for the State.

Ms. Deblina Chattaraj

....for WBTC.

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

The petitioner is a retired employee of Calcutta Tramways Company (1978) Ltd. (in short “CTC”) now known as West Bengal Transport Corporation (in short “WBTC”). The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short “ROPA 1998”) which is applicable to him. The petitioner retired from services on 30th November, 2021. There is as such no inordinate delay or laches on the part of the petitioner in claiming the benefits.

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 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 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.)