

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7049 of 2022

Manik Lal Mondal
Vs.
The State of West Bengal & Ors.

Mr. Susanta Pal
Ms. Susnita Saha
... For the State

Ms. Deblina Chattaraj, led by
Mr. Niladri Bhattacharjee
... For WBTC

The petitioner remained unrepresented even at the time of second call on 10th May, 2022 and, as such, the matter was adjourned till today. The petitioner remains unrepresented even at the second call today.

After going through the records and hearing the respondents, I find that the petitioner is claiming interest for delay in paying the benefits of the Revision of Pay and Allowance Rules, 1998 (in short "ROPA 1998") on and from 1st April, 1997 till actual disbursement. It appears from the writ petition that the writ petitioner retired from services on 31st October, 2014.

By a Government Resolution bearing no.1183-F dated 27th November, 1995 read with the Resolution no.11833-F dated 27th November, 1995, a Pay Commission was constituted for examining the structure

of emoluments and other conditions of service of member of State Government Undertakings, statutory bodies, corporations etc. and for making suitable recommendation. The Pay Commission submitted its recommendation which was accepted by the Government of West Bengal, Transport Department, by a memorandum dated 23rd June, 2000. This was followed by a memorandum dated 21st July, 2000, issued by the Calcutta Tramways Company (1978) Limited (in short "CTC") now known as West Bengal Transport Corporation Limited (in short "WBTC"). Under the two memoranda respectively dated 23rd June, 2000 and 21st July, 2000, the State Government as also CTC had agreed to pay the arrears for the period from 1st April, 1997 to 31st March, 2000 in five annual instalments, the first of which being payable not before 1st November, 2002 along with interest to be calculated from 1st April, 2000. The petitioner, therefor, was to get the arrears from 1st April, 1997 to 31st March, 2000 in five annual instalments. The principal sum along with the interest as per the two memoranda had been paid to the petitioner but much after the scheduled date. The petitioner is claiming interest for the delayed payment between the scheduled date and the actual date of payment.

Even taking a very lenient view, the cause of action, if any, to claim interest accrued in favour of the petitioner on the date the delayed payments were made.

This, at the highest, continued till the date of his retirement when he was supposed to receive full and final payment of his dues, including the interest. The petitioner has retired from service on 31st October, 2014 and has filed the instant writ petition on 19th April, 2022. There has been an inordinate delay on the part of the petitioner in approaching the Court as the writ petition has been filed after about eight years. It also does not appear either from the pleading or otherwise that there is any continuing wrong which takes the petitioner's case outside the purview of long delay in terms of the ratio laid down in *Union of India & Ors. v. Tarsem Singh*, reported in (2008) 8 SCC 648 as followed in the judgment of *Asger Ibrahim Amin v. Life Insurance Corporation of India*, reported in (2016) 13 SCC 797. On the contrary, the petitioner's case come within the ratio laid down in *Balakrishna Savalram Pujari Waghmare v. Shree Dhyaneshwar Maharaj Sansthan*, reported in AIR 1959 SC 798. The issue of promissory estoppel is also not applicable in the instant case in view of the provisions laid down in the judgment reported in (2016) 10 SCC 77 (*State of Himachal Pradesh & Ors. v. Rajesh Chander Sood & Ors.*).

The writ petition is, therefor, dismissed on the ground of inordinate delay and laches on behalf of the petitioner.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)