

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 10324 of 2015

Nisith Ghosh Dastidar

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Susanta Pal
.....Advocate

For the State : Mr. Milan Kumar Maity
.....Advocate

For the Respondent nos. 2 to 5 : Mr. Niladri Bhattacharjee
Ms. Deblina Chattaraj
Mr. Rohan Chatterjee
.....Advocates

Heard lastly on : 02.08.2022

Judgment on : 05.09.2022

Jay Sengupta, J.:

1. This is an application praying for direction upon the respondents to pay and disburse interest at the rate of 10% per annum for the period from

1st September 2008 to 4th February 2015 for payment of gratuity and leave salary to the petitioner.

2. Learned counsel appearing on behalf of the petitioner submitted as follows. The petitioner retired from service of the Calcutta Tramways Company (1978) Ltd. on 03.08.2008. Upon superannuation as an Inspector, on 01.10.2008 the petitioner was paid his provident fund amount, gratuity and leave salary amount in the unrevised scale. On 04.02.2015 the petitioner was paid his rest gratuity and leave salary amount by cheque. As no interest was paid for the delayed payment, on 08.04.2015 the petitioner made a representation before the Managing Director of the Calcutta Tramways Company (1978) Ltd. with a request to release interest amount at the rate of 10% for delayed payment of gratuity and leave salary. It was pertinent to mention that the revision in the pay scale was given effect to from 17.09.2009.

3. Learned counsel appearing on behalf of the respondent nos. 2 to 5 submitted as follows. If at all any interest was be payable, it would not be from 01.09.2008 because the revision in pay scale took place only on 17.09.2009. At present, there was a scheme which allowed payment of interest at the rate of 5% per annum.

4. Learned counsels appearing on behalf of the State adopted the submissions of the learned counsel for the respondents no. 2 to 5.

5. I heard the learned counsels appearing on behalf of the parties and perused the writ petition.

6. The undisputed facts in this case are that the petitioner retired from his service with the Calcutta Tramways Company (1978) Ltd. on 03.08.2008. On 01.10.2008 he was paid his provident fund amount, gratuity and leave salary in the unrevised scale. In the meantime there was a revision in the pay scale that was given effect to from 17.09.2009. On 04.02.2015 he was paid his rest gratuity and leave salary amount by cheque. However, no interest was paid on the delayed payment. The petitioner made a representation on 08.04.2015 which went unanswered by the respondents.

7. Money has a present value as well as a future value. The two are balanced by an amount of interest that would be due on a sum as on a particular date. If A is entitled to a sum of money in the year X, then he would obviously be entitled to get some interest on the same if the money is paid to him afterwards i.e., in the year X+1, for instance.

8. Therefore, a minimum amount as interest would be due to the present petitioner for the delayed payment of retiral benefits in the revised scale. At the same time, the dues cannot go beyond 17.09.2009 on which the new scale was given effect too.

9. In view of the above, the respondents 2 to 5 are directed to pay to the petitioner interest at the rate of 7% per annum on the sum of money paid to the petitioner belatedly as rest of his retiral benefits on 04.02.2015 that is to say, for the period of 17.09.2009 to 04.02.2015. The said payment shall be made as full and final settlement on the issue within a period of six weeks from the date of communication of this order.

10. With these observations the writ petition is disposed of.

11. Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

S.M.