

08
11.01.2022
sb
Ct 23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 13365 of 2021

Smt. Pranati Mondal
Vs.
The West Bengal Transport Corporation & Ors.

Mr. Sukumar Bhattacharyya,
Ms. Sayani Bhattacharyya
.... For the petitioner.

Ms. Deblina Chattaraj
... For WBTC.

Mr. Sudipto Panda,
Mr. Rajaram Banerjee
... For the State.

In terms of the order dated 18th June, 2014, passed in WP 17167 (W) of 2014, the petitioner is entitled to interest at the rate of 10% on the gratuity amount aggregating to 3,23,341/- on and from 6th January, 2011 till 20th September, 2021, when the same was ultimately disbursed to the petitioner. Similarly, the petitioner will be entitled to interest at the rate of 10% on a sum of Rs.26193/-, being the arrears salary from 7th December, 2010, being date of death of the petitioner's husband till 22nd December, 2021. Although it is submitted on behalf of West Bengal Transport Corporation (in short, "WBTC") that the cheque of Rs.26193/- was ready on 19th May,

2016 but the petitioner did not collect the same which disentitles the petitioner to claim interest from 19th May, 2016 till 22nd December, 2021, but the fact remains that the money was lying with WBTC and they have derived benefit out of the same. In that view of the matter, the contention of WBTC so far as interest between 19th May, 2016 and 22nd December, 2021 is concerned, is unacceptable.

WBTC is directed to pay the interest as indicated hereinabove, within a period of two (2) months from date, failing which the interest rate will increase from the date of accrual till payment at the rate of 12% per annum. Since WBTC is represented through an advocate, no further notice or demand shall be made on behalf of the petitioner for the interest.

The parties shall act on the basis of a server copy of the instant order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if

applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)