

19
23.08.2022
Ct. No.23
sb.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18052 of 2022

Nirmal Kumar Giri
Vs.
The State of West Bengal & Ors.

Mr. Srinjay Sengupta,
Mr. Saurav Roy,
Mr. Narattam Acharyya,
Mr. Ankush Ghosh
... For the petitioner.

Mr. Benazir Ahmed
....For the State.

Ms. Deblina Chattaraj,
Mr. Rohan Chatterjee
... For WBTC Ltd.

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

The petitioner is an employee of Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation Limited (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") the benefit whereof was given to the petitioner by the memoranda respectively dated 23rd June, 2000 and 21st July, 2000. The petitioner says that under the memorandum dated 31st July, 2000, the petitioner was assured by the respondents that the arrears between 1st April, 1997 and 31st March, 2000 shall be paid in five annual instalments, the first of which will be not before 1st November, 2002 with interest to be calculated from 1st April, 2000 at the rate applicable in case of provident fund. The petitioner has been paid the said arrears

between September, 2006 and January, 2008. The petitioner says that he is entitled to interest for this delay in paying the arrears. The petitioner's claim for interest accrued in terms of the memorandum dated 31st July, 2000 on the arrears amount from 1st April, 2000. The payment of arrears has been made with interest but not by five annual instalments on and from 1st November, 2002. The petitioner, therefor, became entitled to interest on the arrears amount for the delay beyond the scheduled date of payment as assured under the memorandum dated 31st July, 2000. This right accrued with the full and final payment of the arrears in January, 2008. The petitioner's right to claim this interest continued till up to his date of retirement when the employer was supposed to pay the interest along with his other retiral benefits. The petitioner is still in service, therefore, the claim to delayed payment of benefits is very much alive. Therefor, the petitioner becomes entitled to claim such interest. The petitioner has approached the Court for such relief without any inordinate delay.

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 annual instalments by which arrears were promised to be paid under the memorandum dated 31st July, 2000 which was finally paid in January, 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.)