

15.9.2022
Ct. no.21
Sl. No. 13
sanjay

WPA 20073 of 2022

Samar Dey Sarkar

Vs.

The State of West Bengal & Ors.

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

Mr. Rabindra Narayan Dutta,
Mr. Suprabhat Bhattacharya ...for the State.

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj,
Ms. Angana Dutta ... For the Respondent
Nos.2 to 5/WBTCL.

Affidavit-of-service filed in Court today, be retained
with the records.

The writ petitioner was an employee of the West
Bengal Transport Corporation Limited (in short 'the
WBTCL') previously known as the Calcutta Tramways
Company (1978) Limited. The writ petitioner retired from
his service on August 31, 2018.

The writ petitioner prays for disbursement of
interest on the arrears of pay since April 1, 1997 to March
31, 2000. The writ petitioner prays for calculation of
interest from April 1, 2000.

The writ petitioner claims interest on delayed
payments for benefits under the Revision of Pay and
Allowance Rules, 1998 (in short, 'ROPA').

The petitioner also prays for the benefits under the Office Memoranda dated June 23, 2000 and July 21, 2000. The petitioner was required to be paid the arrears by five annual instalments from April 1, 1997 to March 31, 2000. The petitioner was paid the said arrears by 2008.

Mr. Srinjay Sengupta, learned counsel appearing on behalf of the petitioner states that he is entitled to interest for this delay in payment of arrears. The petitioner became entitled to interest on arrears on account of delay beyond the scheduled date of payment assured under the Memorandum dated July 21, 2000.

The petitioner's right to claim for interest continued till the retirement on August 31, 2018. The petitioner is entitled to claim such interest. The petitioner has also approached this Court without any inordinate delay.

The respondent shall pay interest from the scheduled date of payment of the annual instalments by which the arrears were promised to be paid under the Memorandum dated July 21, 2000 till the date on which they were finally paid in 2008.

Interest to be paid @7% per annum within a period of three months from the date of communication of this order without insisting of production of certified copy thereof.

In default of the payment of the aforesaid interest within a period of three months from date, the rate of interest shall stand increased to @8% per annum.

Since no affidavits have been invited in the writ petition, the allegations in the writ petition be deemed not to have been admitted by the parties.

The writ petition, **WPA 20073 of 2022** stands **disposed of**.

There will be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official Website of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)