

27.09.2022
DL-58
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20843 of 2022

Tapan Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Susanta Pal
.....for the petitioner.
Ms. Sima Adhikari,
Ms. Kakali Naskar
.....for the State.
Mr. Niladri Bhattacharjee,
Mr. Rohan Chatterjee
.....for WBTCCL.

The writ petitioner was an employee of the West Bengal Transport Corporation Limited (in short 'the WBTCCL') previously known as the Calcutta Tramways Company (1978) Limited. The writ petitioner retired from his service on May 31, 2014.

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. Susanta Pal, 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 May 31, 2014. The petitioner is entitled to claim such interest.

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 be 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 20843 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.)