

14.12.2022
Court No.21
Item No.97
AP

WPA 26340 of 2022

**Abdul Samad
Vs.
The State of West Bengal and Ors.**

Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Narattam Acharyya
Mr. Ankush Ghosh

... For the Petitioner.

Mr. Mahadeb Sarkar

... For the State.

Mr. Niladri Bhattacharjee
Ms. Deblina Chattaraj
Ms. Angana Dutta

... For the respondent WBTCCL.

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 WBTCCL') 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 said arrears by five annual instalments from November 1, 2002. 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 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 26340 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.

(Lapita Banerji, J.)