

OD-6

ORDER SHEET

WPO/71/2016

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUBIR BOSE & ORS.
VERSUS
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date : December 16, 2022.

Appearance:

Mr. Debasish Roy, Adv.

Mr. Arijit Ghosh, Adv.

...for the petitioners

Mr. Naba Kumar Das, Adv.

Mr. Subir Sabud, Adv.

...for State

Mr. Niladri Bhattacharjee, Adv.

Ms. Deblina Chattaraj, Adv.

Ms. Angana Dutta, Adv.

...for respondent WBTC Ltd.

The Court: By an order dated August 10, 2022 three of the writ petitioners being writ petitioner nos.6, 8 and 9 were transposed in the category of the respondents. Out of the initial ten petitioners, only seven are now carrying on the proceedings in the present writ petition.

The writ petitioners were employees of the erstwhile Calcutta Tramways (1978) Limited, at present the West Bengal Transport Corporation Limited (in short, 'WBTC'). The writ petitioner nos.1, 2, 3, 4, 5 and 7 have been superannuated from their service. The writ petitioner no.10 is still in service.

The writ petitioners pray for disbursement of interest on arrears of pay payable since April 1, 1997 to March 31, 2000. The writ petitioners pray for calculation of interest from April 1, 2000.

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

The writ petitioners also pray for benefits under the office memoranda dated June 23, 2000 and July 21, 2000. The petitioners were required to be paid the arrears by five instalments from April 1, 1997 to March 31, 2000. The commencement of the said instalments was to be made from November, 2002. However, the last of the instalments on account of the arrears was paid in 2008.

Learned counsel appearing on behalf of the petitioner states that he is entitled to interest for this delay in payment of arrears. The petitioners became entitled to interest on arrears on account of the delay beyond the scheduled date of payment assured by the memorandum dated July 21, 2000.

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

Interest at the rate of 7 per cent per annum has to be paid within a period of three months from the date of communication of this order without insisting on production of a certified copy thereof.

In default of payment of the aforesaid interest within a period of three months from date, the rate of interest will stand increased to 8 per cent.

Since no affidavits have been invited in the present writ petition, the allegations contained therein are deemed not to have been admitted by the parties.

With the directions aforesaid, **WPO 71 of 2016** is **disposed of**.

All parties are to act on server copy of this order as downloaded from the official website of this Hon'ble Court.

(LAPITA BANERJI, J.)

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