

ORDER SHEET

WPO 1465 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KAMAL KUMAR GUIN & ORS.
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th April, 2022

Mr. Debductta Basu, Advocate for the petitioner.
Ms. Deblina Chattaraj, Advocate for WBTC Ltd.
Mr. Naba Kr. Das, Mr. Subhabrata Das, Advs. for the State.

The Court : The petitioner nos.1 to 8 are retired employees of Calcutta Tramways Company (1978) Ltd. (in short 'CTC') now known as West Bengal Transport Corporation (in short 'WBTC'). The petitioner nos.1 to 8 respectively retired on 31st January, 2010, 31st August, 2000, 31st March, 2008, 31st July, 2021, 31st January, 2003, 31st July, 2005, 31st December, 2004 and 28th February, 2006. The petitioner no.18 is the widow of a retired employee. The husband of the petitioner no.18 retired on 28th February, 2001 and died on 5th August, 2004. The petitioner no.19 is the son of a retired employee. The concerned employee retired from the service on 31st March, 2003 and died on 5th November, 2005. The petitioner nos.9 to 17 are the serving employees of WBTC. The petitioner nos.1 to 17 have prayed for interest on account of delayed payment of the benefits under the Revision of Pay and Allowance Rules, 1998 (in short 'ROPA 1998'). The

petitioner nos.18 and 19 have sought for the same reliefs but on account of delayed payment to their deceased husband and deceased father respectively.

Out of the 19 petitioners, I find that the claims of the petitioner nos.1, 2, 3, 5, 6, 7, 8, 18 and 19 cannot be entertained as they have approached the Court at a very belated stage, the writ petition having been filed only on 10th March, 2022. Their claims are rejected by applying the ratio laid down in (2008) 8 SCC 648 (Union of India & Ors. Vs. Tarsem Singh) and (2016) 13 SCC 797 (Asger Ibrahim Amin Vs. Life Insurance Corporation of India) on the ground of enormous delay and laches.

So far as claims of petitioner nos.4, 9 to 17 are concerned, their claims are alive. The petitioner no.4 has approached this Court within one year from his retirement whereas the petitioner nos.9 to 17 are still serving. There has been as such no delay on their part in approaching the Court for the reliefs claimed.

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. vs. 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 date of accrual of the amounts claimed in respect of the petitioner nos.4, 9 to 17 till 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 nos.4, 9 to 17 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 %.

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.)