

ORDER SHEET

WPO 1278 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TAPASHI MITRA MAJUMDAR
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 21st February, 2022

Mr. Debdutta Basu, Mr. Krishna Pada Santra,
Advocates for the petitioner.

Mr. Niladri Bhattacharjee, Ms. Deblina Chattaraj,
Advocates for WBTC Ltd.
Mr. Amitesh Banerjee, Sr. Standing Counsel,
Ms. Ipsita Banerjee, Adv. for the State.

The Court : The report in form of an affidavit affirmed by the Chief Accounts Officer of West Bengal Transport Corporation Ltd. (in short WBTC) on 16th February, 2022 filed in Court today is taken on record.

It appears from the said affidavit that the principal arrear amounts in respect of Revision of Pay and Allowances (in short ROPA) 1998 have been paid on different dates mentioned in paragraph 6 and in the document at page 14 of the report. Apart from the arrears under ROPA-1998, all other retiral benefits like provident fund, leave salary and gratuity have been paid to the petitioner and the petitioner does not claim any interest on account of such amounts. The petitioner now restricts her claim only in respect of

interest on account of delayed payment of the arrears under ROPA-1998. The payment of interest for delayed payment of arrears under ROPA-1998 has been considered by this Court in several judgments including one passed in WPA 7490 of 2021 (Vivekananda Halder & Ors. vs. The State of West Bengal & Ors.) dated 14th September, 2021.

The respondent employer is, therefore, liable to pay interest on the amount of Rs.34,331/-, being the principal arrear sum on account of ROPA-1998 from the schedule date when such amount fell due till the date when the amount was actually paid at the rate of 7% per annum less interest, if any already paid, within a period of six months from the date of submission of a certified copy of this order. The rate of interest will automatically increase to 8% if the interest as directed by this order is not paid within the timeframe provided. Since there was a commitment from the State in paying the arrears of ROPA, 1998 any fund that may be required for paying the interest amount will be provided by the State to WBTC, if necessary.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(ARINDAM MUKHERJEE, J.)