

OD-6

WPO/2281/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MITRA CHAKRABORTY
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 29th June, 2022

Appearance:
Mr. Debdutta Basu, Adv.
...for the petitioner

Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
Mr. Rohan Chatterjee, Adv.
...for the WBTC Ltd.

Mr. Suman Sengupta, A.G.P.
Mr. Saikat Chatterjee, Adv.
...for the State

The Court : Affidavit of service filed in court today is taken on record.

The husband of the petitioner, since deceased was an employee of Calcutta Tramways Company (1978) Ltd. (in short, "CTC") now known as West Bengal Transport corporation (in short, "WBTC") who died on 12th June, 2018 while in service. The petitioner claims interest on delayed payment of benefits under the Revision of Pay and Allowance Rules, 1998 (in short, "ROPA 1998") the benefits whereof was given to the petitioner's husband by the memoranda respectively dated 23rd June, 2000 and 21st July, 2000. The petitioner says that under the memorandum dated 31st

July, 2000 the petitioner's husband was assured by the respondents that the arrears between 1st April, 1997 and 31st March, 2000 shall be paid in five annual instalments the first of which will be not before 1st November, 2002 with interest to be calculated from 1st April, 2000 at the rate applicable in case of provident fund. The petitioner's husband was paid the said arrears between September, 2006 and January, 2008. The petitioner says that her husband was entitled to interest for this delay in paying the arrears. The claim of the petitioner's husband for interest accrued in terms of the memorandum dated 31st July, 2000 on the arrear amount from 1st April, 2000. The payment of arrears has been made with interest but not by five annual instalments on and from 1st November, 2002. The petitioner's husband, therefore, became entitled to interest on the arrear amount for the delay beyond the scheduled date of payment as assured under the memorandum dated 31st July, 2000. This right accrued with the full and final payment of the arrears in January, 2008. The right to claim this interest in favour of the petitioner's husband continued till upto his date of death having been in service. The employer was supposed to pay the interest along with his other terminal benefits immediately on 12th June, 2018 when the petitioner's husband died. Therefore, the petitioner becomes entitled to claim such interest after the death of her husband on 12th June, 2018. The petitioner has approached the Court for such relief without any inordinate delay.

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.).

This writ petition is as such 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 scheduled date of payment of the annual instalments by which arrears were promised to be paid under the memorandum dated 31st July, 2000 which was finally paid in January, 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 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.)