

08-02-2023

Item No.7

Subrata

Bhattacharyya

IN THE HIGH COURT AT CALCUTTA

Constitutional writ Jurisdiction

Appellate Side

WPA No.2649 of 2023

Chinmoy Kumar Mondal

-VS-

The State of West Bengal & Ors.

Mr. Sk. Qareeb

Ms. Sudipa Mandi

...for the petitioner

Mr. Naren Ghosh Dastidar

...for the State

The writ petitioner was an assistant teacher of Dari Keoradangi Ananda Prasad Junior High School, South 24 Parganas. Since his service was not regularised then, he moved a writ petition being WP No.14073(W) of 2010 seeking regularisation of his service. Ultimately, by an order of this court dated December 24, 2010 the service of the petitioner was regularised. Thereafter, by an order of a Division Bench dated December 3, 2015 on an appeal by the State in MAT No.1308 of 2015, the order of the single Bench dated December 24, 2010 was affirmed.

By virtue of the orders passed by this court, the appointment of the petitioner was approved with effect from January 1, 2014. The petitioner retired from service on superannuation on December 31, 2017. Though he was entitled to get salary with effect from January 1, 2014, the authority concerned did not release it to him for the period from January 1, 2014 till March 2016.

Aggrieved by the inaction on the part of the concerned authority, the petitioner moved another writ petition being WPA No.17826 of 2021. By an order dated June 20, 2022, a single Bench of this court directed the

authority concerned to disburse the arrear salary to the petitioner amounting to Rs.7,82,424/- for the aforesaid period forthwith. However, the petitioner was paid the aforesaid amount on July 20, 2022.

The petitioner's case is that since the amount was disbursed belatedly, the petitioner is entitled to get interest on such amount. By way of this writ petition, the petitioner claims interest on the aforesaid amount of money from January 1, 2014 till July 20, 2022.

Learned counsel appearing for the petitioner submits that as per the nationalised savings scheme for the senior citizens, any deposit made by a senior citizen now carries interest at the rate of 8% p.a. He further submits that had the petitioner received his claimed amount in time, the amount which he would have received would carry interest at the rate of 8% p.a. As such, learned counsel prays for interest at the rate of 8% p.a. for the belated payment of the amount.

Having heard learned counsels appearing for the respective parties and on consideration of the documents annexed to the writ petition, I feel that the writ petition may be disposed of by passing the following order.

Accordingly, the concerned respondent, especially the fourth respondent – the District Inspector of Schools (SE), South 24 Parganas – is directed to pay the petitioner interest @ 8% p.a. on the belatedly disbursed amount of Rs.7,82,424/- from January 1, 2014 till July 20, 2022, within a period of six weeks from the date of communication of this order.

With the above directions, WPA No.2649 of 2023 stands disposed of. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J.]