

02.03.2023
DL-148
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3707 of 2023

Fulwanti Devi
Vs.
The State of West Bengal & Ors.

Mr. Dipendu Sarkar
.....for the petitioner.

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj,
Ms. Angana Dutta
.....for WBTCCL.

Ms. Sucharita Roy,
Ms. Trisha Saha
....for the State.

Mr. Sarkar, learned counsel appearing on behalf of the petitioner undertakes to file affidavit of service in course of today.

The writ petitioner's husband was an employee of the West Bengal Transport Corporation Limited (in short 'the WBTCCL') previously known as the Calcutta Tramways Company (1978) Limited. The petitioner's husband retired from service in February, 2020 and subsequently died on April 23, 2021.

The writ petitioner prays for disbursement of interest on the arrears of pay since April 01, 1997 to March 31, 2000. The writ petitioner prays for calculation of interest from April 1, 2000.

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

The petitioner also prays for the benefits under the Office Memoranda dated June 23, 2000 and July 21, 2000. The petitioner's husband was required to be paid the said arrears by five annual

installments from November 1, 2002. The petitioner's husband was paid the said arrears by 2008.

Mr. Srinjay Sengupta, learned counsel appearing on behalf of the petitioner states that the petitioner is entitled to interest for this delay in payment of arrears. The petitioner's husband became entitled to interest on arrears on account of delay beyond the scheduled date of payment assured under the Memorandum dated June 23, 2000 and July 21, 2000. The petitioner is entitled to claim such interest.

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

Interest to be paid @7% per annum within a period of three months from the date of communication of this order without insisting of production of certified copy thereof.

In default of the payment of the aforesaid interest within a period of three months from date, the rate of interest shall be increased to @8% per annum.

The writ petition, **WPA 3707 of 2023** stands disposed of.

Since no affidavits have been invited in the writ petition, the allegations in the writ petition be deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official Website of this Hon'ble Court.

(Lapita Banerji, J.)