

23.03.2023
DL-69
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5711 of 2023

Bhola Kumar Singh
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey,
Mr. Dipendu Sarkar,
Mr. Kaushal Kumar

....for the petitioner.

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj,

.....for WBTCCL.

Mr. Rama Prasad Sarkar,
Ms. Anita Deb Jana

....for the State.

Affidavit of service filed in Court today be retained with the records.

Ms. Chattaraj, learned counsel appearing on behalf of West Bengal Transport Corporation Limited (WBTCCL) accepts service of the writ petition in Court today. Therefore, formal service is waived in the instant writ petition.

The writ petitioner is an employee of the West Bengal Transport Corporation Limited (in short "the WBTCCL") previously known as the Calcutta Tramways Company (1978) Limited. The writ petitioner joined service on July 16, 1986. The writ petitioner is still in service.

The writ petitioner prays for disbursement of interest on the arrears of pay payable since April 1, 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 was required to be paid the arrears by five annual instalments from November 1, 2002. The petitioner was paid the said arrears by 2008.

Mr. Dipendu Sarkar, learned counsel appearing on behalf of the petitioner states that he is entitled to interest for this delay in payment of arrears. The petitioner became entitled to interest on arrears on account of delay beyond the scheduled date of payment assured under the Memorandum dated July 21, 2000.

The respondent shall pay interest from the scheduled date of payment of the annual instalments 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 5711 of 2023** is **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 to act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)