

27.09.2023
DL-195
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21155 of 2023

Gautam Mukherjee & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey
Ms. Ankita Ghosh
Mr. Ankan Mondal
Ms. Chaitali Das

....for the petitioners.

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

.....for WBTCCL.

Md. Mansoor Alam
Mr. Tapas Kumar Mondal

....for the State.

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

The writ petitioners are an employees of the West Bengal Transport Corporation Limited (in short “WBTCCL”) previously known as the Calcutta Tramways Company (1978) Limited. The writ petitioners are still in service.

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

The writ petitioners claim interest on delayed payments for benefits under the Revision of Pay and Allowance Rules, 1998 (in short, ‘ROPA’).

The petitioners also pray for the benefits under the Office Memoranda dated June 23, 2000 and July 21, 2000. The petitioners were required to be paid the said arrears by five annual installments from November 1, 2002. The petitioners were paid the said arrears by 2008.

Mr. Dey, learned counsel appearing on behalf of the petitioners states that the petitioners are entitled to interest for this delay in payment of arrears. The petitioners 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 petitioners are 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 21155 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.)