

24.01.2023
item No.52
n.b.
Ct. no.21

WPA 28259 of 2022

Dharmendra Kumar

Vs.

The State of West Bengal and Ors.

Mr. Gobinda Das Mitra

... For the Petitioner.

Mr. Niladri Bhattacharjee

Ms. Deblina Chattaraj

... For the respondent WBTCCL.

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

The father of the writ petitioner was an employee of the West Bengal Transport Corporation Limited (in short 'the WBTCCL') previously known as the Calcutta Tramways Company (1978) Limited. He died in harness on April 27, 2018. The petitioner being the heir/legal representative/nominee of his father has prayed for interest on account of arrears of pay for ROPA 1998.

By memo dated June 23, 2000 and July 21, 2000 issued by WBTCCL arrears of ROPA was to be paid by five annual instalments starting from November 1, 2002. The said instalments

could not be paid on the stipulated dates. The last instalment was paid on 2008.

In view of the fact that the arrears were not paid within stipulated period. The petitioner is entitled to interest from April 1, 2000 till the payment is made in 2008.

The writ petitioner's father was entitled to arrears of pay from April 1, 1997 to March 31, 2000. The writ petitioner prays for calculation of interest from April 1, 2000.

Mr. Gobinda Das Mitra, learned counsel appearing on behalf of the petitioner states that he is entitled to interest for this delayed 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 April 1, 2000 till the date on which they were finally paid in 2008.

Interest to be paid @6% 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.

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.

The writ petition, **WPA 28259 of 2022** stands disposed of.

There will be no order as to costs.

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.)