

OD-39

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1492/2023

ANITA DEVI
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE LAPITA BANERJI

Date: 29th September, 2023.

Appearance:
Mr. Debdutta Basu, Adv.
For the Petitioner

Mr. Bhaskar Prasad Vaisya, Adv.
Mr. N. B. Mandal, Adv.
For the State

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

In this writ petition, the petitioner i.e. wife of the deceased employee of West Bengal Transport Corporation Limited (WBTC), formerly known as the Calcutta Tramways Company (1978) Limited claims for disbursement of interest at the rate of 10 per cent per annum on the death benefits aggregating to Rs. 25,64,220/- (Rupees Twenty Five Lakhs Sixty Four Thousand Two Hundred Twenty Only) from October 5, 2021 (the date of death) till February 18, 2022 (the date of actual payment). The petitioner's husband worked as permanent employee with Calcutta Tramways Co. (1978) Ltd., now known as West Bengal Transport Corporation Limited (WBTC).

The husband of writ petitioner died on October 5, 2021 while in service.

Following the judgements of the Apex Court and also the judgment passed by Co-ordinate Bench of this Hon'ble Court, this Court holds that interest at the rate of 6 per cent per annum should be paid by the respondent company to the petitioner from October 6, 2021 (date subsequent to the date of death) till February 18, 2022 (the date on which the disbursement was made), within three months from date. In the event there is any default in payment of interest within the stipulated period, the rate of interest will stand increased to 10 per cent per annum being the rate payable at present under the Payment of Gratuities Act, 1972.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

With the aforesaid directions, the writ petition, **being WPO No.1492 of 2023** is **disposed of**.

All parties are to act on a server copy of downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(LAPITA BANERJI, J.)