

03.05.2024.
Court No.13
Item No. 70
pk

W.P.A. 10083 of 2024
Dilip Kumar Mitra and others
Versus
The State of West Bengal & Ors.

Mr. Asok Nath Ghosh

...For the petitioner.

Mr. Rabindra Nath Pal,
Ms. Nilofer Siddique

...For the State.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioners are retired employees of Westinghouse Saxby Farmer Limited under the control of State of West Bengal. They retired between 2016 and 2019. They seek terminal benefits to be calculated on the basis of the Company's ROPA Regulation of 2021 dated 27th October, 2021.
3. The said Regulations 1 and 2 stipulates as follows :

"1. Short Title and Commencement :

(i) These regulations may be called Westinghouse Saxby Farmer Limited employees(Revision of Pay, Allowances and conditions of Services) Regulation, 2021.

(ii) (ii) They shall be deemed to have come into force notionally with effect from 1st Day of January, 2016 and actually from the 1st Day of January, 2020."

2. Application :

These Regulations shall apply to whole time and regular employees of Westinghouse Saxby Farmer

Limited who were in service on 31st Day of December, 2015 and continued thereafter.”

4. It is clear and explicit from the said Regulation that the benefits of the Company's ROPA 2021 was to be given notionally to those who are in service on 31.12.2015 and continued thereafter. It is further stipulated under sub regulation 2 of Regulation 1 that the said ROPA 2021 of the company would come into force notionally from 1st January, 2016.

5. In those circumstances, the terminal benefits of the petitioner who have retired between 01.01.2016 until 01.01.2020 shall be notionally calculated on the basis of the revised ROPA 2021 dated 27th October, 2011 and the terminal benefits shall be paid in the revised scales prospectively.

6. It is submitted that terminal benefits have already been received by the petitioners.

7. The differences between the terminal benefits actually received by the petitioners and what they would have been entitled to have been received, applying the “Westinghouse Saxby Farmer Limited, revised pay and allowances of 2021” shall be calculated and paid to them within a period of four months from the date of communication of a copy of this order. For the aforesaid purpose the company shall seek funds from the State forthwith.

8. If the said sums are paid within stipulated time, the same shall not carry any interest. If any payment

is made beyond the period of four months, arrears shall carry interest at the rate of 8 per cent per annum.

9. The writ petition is disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)