

16.07.2024
Sl. No.125
ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16600 of 2024

Md. Kamal
Vs.
The State of West Bengal & Ors.

Mr. Srinjay Sengupta,
Mr. Sourav Roy,
Mr. Narattam Acharyya,
Mr. Ankush Ghosh

... for the petitioner

Mr. Niladri Bhattacharjee,
Ms. Priyanka Kundu

... for the WBTCCL

Affidavit of service filed in Court today is taken
on record.

The petitioner is a retired employee of Calcutta
Tramways Company (1978) Ltd. (in short “CTC”) now
known as West Bengal Transport Corporation Limited
(in short “WBTCCL”). The petitioner claims interest on
delayed payment of benefits under the Revision of Pay
and Allowances, 1998 (in short “ROPA 1998”) which
is applicable to him. The petitioner retired from
services on 31st August, 2021. There is as such no
inordinate delay or laches on the part of the petitioner
in claiming the benefits.

The issue sought to be raised in the instant writ
petition is squarely covered by a recent judgment and
order of this Court dated 14th September, 2021
passed in WPA 7490 of 2021 (Vivekananda Halder &

Ors. Vs. The State of West Bengal & Ors.) by directing payment of interest for the delayed payment @ 7% per annum.

WBTCCL has on 10th July, 2024 published a notice through its Managing Director (respondent no. 4) to grant interest to the in-service employees @ 7.1% per annum for the period from 1st April, 2000 to 31st January, 2008. I do not find any reason as to why the said notice shall not be made applicable in respect of retired employees.

In the aforesaid facts and circumstances, this writ petition is disposed of with the directions, which are as follows:

The respondents shall pay interest from the scheduled date of payment on the amounts paid to the petitioner from 1st April, 2000 till 31st January, 2008 or till the date of actual payment of such arrears, whichever is earlier, less interest, if any, already paid, at the rate of 7.1% per annum to the petitioner within a period of six months from the date of communication of a server copy of this order without insisting upon production of a certified copy.

In default of payment of the aforesaid interest within a period of six months, the rate of interest shall increase to 8% per annum.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)