

29.02.2024
Court No. 13
Item No. 101
sp

WPA 28088 of 2023
Shibaram Chakraborty
Vs.
The State of West Bengal and Ors.

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam

.... For the Petitioner.

Ms. Indrani Nandi

...for the State

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj

.... For the Respondent Corporation.

1. Affidavit of service filed by the petitioner is taken on record.

2. The writ petitioner was an employee of the West Bengal Transport Corporation Limited (in short “the WBTCL”) previously known as the Calcutta Tramways Company (1978). The writ petitioner retired from his service on 31.12.2008.

3. The writ petitioner prays for disbursement of interest on the arrears of pay payable since April 1, 1997 to March 31, 2000. The writ petitioner prays for calculation of interest from April 1, 2000.

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

5. The petitioner also prays for the benefits under the Office Memorandum dated June 23, 2000 and July 21, 2000. The petitioner was required to be paid the

arrears by five annual instalments from November 1, 2002. The petitioner was paid the said arrears by 2008.

6. Mr. Dutta Gupta, learned counsel appearing on behalf of the petitioner states that he is entitled to interest for this delay in 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 June 23, 2000 and July 21, 2000.

7. The respondent shall pay interest from the scheduled date of payment of the annual instalments 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.

8. 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.

9. 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 @ 11% per annum.

10. 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.

11. With the aforesaid directions, the writ petition is disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)