

09.07.2024
Sl. No.29
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28630 of 2023
Md. Shahnawaz
Vs.
The State of West Bengal & Ors.

Mr. Gobindadas Mitra
.....for the petitioner.
Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj,
Ms. Priyanka Kundu,
Ms. Angana Dutta
.....for WBTCCL.

The writ petitioner retired from the services of Calcutta Tramways Company (1978) Ltd. (in short “CTC”) now known as West Bengal Transport Corporation Limited (in short “WBTCCL”) on 31st March, 2022. The petitioner was paid his retiral benefits on 2nd May, 2022. The petitioner says that West Bengal Services (Revision of Pay and Allowances) Rules, 2019 (in short, ROPA, 2019) was implemented on 25th September, 2019 retrospectively with effect from 1st January, 2016. In view of which the scale of pay and other allowances which the petitioner was drawing on the date of his retirement had stood revised from 1st January, 2016. The petitioner, therefor, claims that he is entitled to the differential amount between the amount of retiral benefits computed on the basis of unrevised pay and that on

the basis of the revision with effect from 1st January, 2016.

Although, on a conjoint reading on paragraphs 5 and 8 of the writ petition, it appears that the petitioner has received the differential amount on account of gratuity at the time when his retiral benefits was paid on 2nd May, 2022 but has not been paid the interest on account of delay in paying the retiral benefits.

The petitioner retired on 30th June, 2020 and was supposed to be paid the retiral benefits within one month from his date of retirement. The same was not paid in time. The petitioner is, therefor, entitled to interest on such retiral benefits for delayed payment. Since the petitioner retired after 25th September, 2019 the petitioner became entitled to receive the differential amount on account of implementation of ROPA 2019 at the time of his retirement. The petitioner having not been paid the said amount is also entitled to receive interest on the differential amount.

In the aforesaid facts and circumstances, after hearing the parties and considering the materials on record, I find that the petitioner is entitled to receive interest on Rs.40,44,495/- paid on account of retiral benefits from 1st April, 2022 till 2nd May, 2022 at the

rate of 6% per annum. The petitioner is also entitled to receive 6% simple interest per annum on the differential amount from 26th September, 2019 till actual payment thereof. WBTCL is directed to pay interest on the aforesaid sums @ 6% per annum for the period as stated hereinbefore within a period of three months from the date of communication of a server copy of this order, failing which the entire sum will attract interest @ 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.)