

09.07.2024
Sl. No.21
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28583 of 2023
Kapil Deo Rabidas
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 July, 2022. The petitioner was paid his retiral benefits on 26th August, 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 26th August, 2022 but has not been paid the interest on account of delay in paying the retiral benefits.

The petitioner retired on 31st July, 2022 and was supposed to be paid the retiral benefits within one month from his date of retirement.

In the instant case, the petitioner retired from the services on 31st July, 2022 and his terminal benefits was paid on 26th August, 2022, i.e. within one month from the date of his retirement. The petitioner is, therefor, not entitled to any interest as there was no delay in making payment of his retiral benefits.

The writ petition is, therefor, dismissed.

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

(Arindam Mukherjee, J.)