

**09.07.2024**  
**Sl. No.38**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 28974 of 2023**  
**Tushar Kanti Das**  
**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 31<sup>st</sup> August, 2020. The petitioner was paid his retiral benefits on 27<sup>th</sup> November, 2020. The petitioner says that West Bengal Services (Revision of Pay and Allowances) Rules, 2019 (in short, ROPA, 2019) was implemented on 25<sup>th</sup> September, 2019 retrospectively with effect from 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 27<sup>th</sup> November, 2020 but has not been paid the interest on account of delay in paying the retiral benefits.

The petitioner retired on 31<sup>st</sup> August, 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 25<sup>th</sup> 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.2076,729/- paid on account of retiral benefits from 1<sup>st</sup> September, 2019 till 27<sup>th</sup> November,

2020 at the rate of 6% per annum. The petitioner is also entitled to receive 6% simple interest per annum on the differential amount of Rs.18,709/- from 1<sup>st</sup> September, 2020 till 4<sup>th</sup> January, 2021. 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.)**