

09.01.2025

Item no.ML271
Court No. 23

Asraf, A.R.(Ct)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 505 of 2024

Amit Kumar Dey
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey
Ms. Somasree Bakshi
....for the Writ Petitioner

Mr. Niladri Bhattacharjee
Ms. Deblina Chattaraj
....for WBTC

The petitioner retired from the services of Calcutta Tramways Company (1978) Ltd. now known as West Bengal Transport Corporation(in short, "WBTC") on 31st January, 2020 upon reaching the age of superannuation. The petitioner says that he was entitled to receive all his service benefits within one month from the date of his retirement. The petitioner was not paid the retiral benefits which include provident fund, gratuity and leave encashment within the said time period and was ultimately paid a sum of Rs.20,48,790.79/- (rupees twenty lakhs forty eight thousand seven hundred ninety and seventy nine paisa only) on account of retiral benefits on 15th June, 2020 which has been wrongly stated as 9th October, 2022 in paragraph 6 of the writ petition. The petitioner is seeking interest on the said sum of Rs.20,48,790.79/-

since there was admittedly a delay of about four months in paying the retiral benefits to the petitioner.

In the aforesaid facts and circumstances, the respondents are directed to pay interest for delay in making payment of Rs.20,48,790.79/- for the period between 1st February, 2020 to 15th June, 2020 at the rate of 6 % per annum.

The payment has to be made within a period of eight weeks from the date of communication of a server copy of this order.

WBTC shall pay the interest on the delayed payment of the amount under West Bengal Services (Reunion of Pay and Allowances) ROPA 1996, ROPA 2009 and ROPA 2019 to the petitioner in accordance with law.

The parties are directed to act upon the server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The writ petition 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 all necessary formalities.

(Arindam Mukherjee, J.)