

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**R.V.W. 49 of 2022
IA NO: CAN/2/2022**

**Sujit Kumar Kar & Ors.
vs.
Hindustan Copper Limited & Ors.**

in

**WP.CT 45 of 2020
IA NO: CAN/1/2021
Sujit Kumar Kar & Ors.
Vs.
Hindusthan Copper Limited & Ors.**

For the Review
Applicants

: Mr. Sayak Mitra, Advocate
Ms. Priyanka Gope, Advocate
Mr. Sayantan Bose, Advocate

Heard on : 10.06.2025

Judgment on : 10.06.2025

DEBANGSU BASAK, J.:-

1. Review applicants seek review of an order dated March 17, 2021 passed in WPCT 45 of 2020.

2. By the order under review dated March 17, 2021, passed in WPCT 45 of 2020 being the writ petition challenging the order dated June 24, 2020 passed by the Central Administrative Tribunal in O.A./350/00714/2018 was interfered with. By the order under review dated March 17, 2021, High Court directed the respondent company to pay the employees who approached the Tribunal or the legal heirs of the deceased applicants, arrear payment for the period between January 1, 1997 and November 30, 1999 within March 31, 2022, out of which, half of the amount should be paid by September 30, 2021.
3. Learned advocate appearing for the review applicants submits that, the review applicants sought interest on the revised wage, at all stages. He submits that, initially review applicants approached the Writ Court by way of a writ petition which was disposed of by the judgment and order dated December 24, 2014 which allowed interest. On appeal, the matter was remanded to the Central Administrative Tribunal.
4. Learned advocate appearing for the review applicants submits that, review applicants thereafter approached the Central Administrative Tribunal by way of the Original Application being O.A./350/00714/2018 which was disposed of by an order dated June 24, 2020. He submits that, before the Central Administrative Tribunal also, the review applicants also prayed for interest, amongst other reliefs.

5. Learned advocate appearing for the review applicants submits that, being aggrieved by the order dated June 24, 2020 of the Central Administrative Tribunal, review applicants filed a writ petition being WPCT 45 of 2020. There also, the review applicants sought for interest. However, by the order under review High Court did not grant any interest.
6. Learned Advocate for the review applicants relies upon **(2021) 11 Supreme Court Cases 543 (State of Andhra Pradesh and Another versus Dinavahi Lakshmi Kameswari)** in support of his contention that interest is payable for arrears salary.
7. None appears for the respondents.
8. The review applicants are either the ex-employees of the respondent company or the heirs and legal representatives of such ex-employees.
9. As ex-employees of the respondent company, the review applicants claim that they were entitled to the wage revision in terms of the order dated April 22, 2006. According to the review applicants, such order dated April 22, 2006 bestows upon the review applicants right to wage revision from the November 1, 1997.
10. Essentially on this grievance, the review applicants initially filed a writ petition before the High Court being W.P. No. 6501 (W) of 2011 which was disposed of by the judgment and order dated December 24, 2014. Prayer of the review applicants for wage revision was allowed alongwith

the direction for payment of the arrears with interest. Appeal preferred therefrom, was disposed of by remanding the issue to the Central Administrative Tribunal.

11. Review applicants approached the Central Administrative Tribunal by way of O.A./350/00714/2018 in which, by an order dated June 24, 2020, relief prayed for by the review applicants sans interest were granted.
12. Review applicants were however, aggrieved by the period for which, the pay revision was directed by the Central Administrative Tribunal as also non grant of interest. Review applicants filed writ petition which was registered as WPCT 45 of 2020.
13. Writ petition of the review applicants being WPCT 45 of 2020 was disposed of by the order under review dated March 17, 2021. Operative portion of such order under review is as follows:-

“In those circumstances, we delete and expunge paragraph 12 of the impugned order of the tribunal and direct that the arrear payment of the employees, who approached the tribunal, between 1st January 1997 and 30th November 1999 be paid to them or the legal heirs of the deceased applicants, within 31st March 2022, out of which half of the amount should be paid by 30th September 2021.”

14. Essentially, the claim of the review applicants is wage revision. Wage revision was allowed by the learned Tribunal albeit for a different period of time than granted by the order under review. Order under review modified the period of the wage revision.
15. Neither the learned Tribunal nor the order under review granted any interest on the wage revision.
16. **Dinavahi Lakshmi Kameswari (Supra)** deals with arrears of pay and grant of interest for deferred payment of salaries and pension. In the facts of that case, due to the onset of COVID-19 State of Andhra Pradesh issued government orders deferring payment of salaries and other benefits. In the factual matrix therein, the rate of interest granted by the High Court on the delay in payment of the salary and pension was scaled down.
17. In the facts and circumstances of the present case, it is not a question of payment of a salary which is already fixed. The issue is one of wage revision. Such issues received finality by the order under review. In the facts and circumstances of the present case, it cannot be said that, there was delay payment of salary or wages to the review applicants and therefore, interest should be imposed on the delay in disbursement of salary/wage. Rather, the issue as to whether the quantum of wage revision received final consideration by the order under review.
18. In such circumstances, we find no merit in the review.

19. **RVW 49 of 2022** alongwith connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

20. I agree.

(Md. Shabbar Rashidi, J.)