Form J(2)
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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 17783 OF 2023

Dilip Kumar Mitra

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Gobinda das Mitra , Adv.

For the Respondents /WBTCL :Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattoraj , Adv. (VC)
Ms. Poulomi Chattopadhyay, Adv.
Mr. Sayan Banerjee, Adv.

Heard on : August 25, 2025

Judgment on : August 25, 2025

<u>Aniruddha Roy, J.</u> :

Mr. Gobinda das Mitra, learned Advocate appears for the petitioner.

Ms. Deblina Chattoraj, learned Advocate appears through virtual mode for WBTCL with Ms. Poulami Chattopadhyay, learned Advocate.

The last order dated ***August 20, 2025*** speaks for itself.

Learned Advocate appearing for the petitioner referring to ***Annexure-P10 at pages 55 to 62*** to the writ petition submits that, the revision of pay and the benefits under ***ROPA, 1996*** and ***ROPA 2006*** have not been given to the petitioner. The petitioner claims the benefits.

Referring to ***pages 17 and 18*** from the writ petition, Ms. Deblina Chattoraj, learned Advocate for WBTCL submits that, all the payments have duly been made to the petitioner in terms of the revision of pay scale under ***ROPA, 1996*** and ***ROPA 2006***. She submits that, ***ROPA 1996*** was made applicable since ***2000***. She has pointed out that, it was mistakenly submitted as 2001, as would be evident from the order dated ***August 20, 2025***. She further submits that, ***ROPA, 2006*** was made applicable since ***2009***. She submits that, whatever amount was to pay to which the petitioner was eligible by way of pay fixation, the petitioner has received the same. After fixation of pay there was a dispute regarding non-payment of a sum of ***Rs.41,000/- and odd***. The same has also been paid subsequently to the petitioner. Therefore, there is nothing due and payable to the petitioner according to WBTCL.

Considering the stand taken by WBTCL in its report on affidavit and the exception filed by the petitioner thereto read with the claim made in the writ petition, it appears to this Court that, particularly, it is an accounting dispute. The alleged claim of the petitioner is ***more than Rs.14 Lakh*** after adjusting whatever has already been paid to the petitioner.

This Court finds that, the claim of the petitioner is for a substantial amount for a retired employee.

Ms. Deblina Chattoraj, learned Advocate appearing for WBTCL has denied and disputed the submissions of the petitioner and she specifically submits that, nothing is due and payable.

In view of the above, this Court is of the view that, this is purely an accounting dispute and the figures are to be arrived at after applying the relevant provisions of ***ROPA, 1996*** and ***ROPA 2006***.

Accordingly, the statutory Auditor of WBTCL shall consider the issue and shall arrive at a proper calculation after considering the entire payment already made to the petitioner and after applying the relevant provisions of ***ROPA, 1996*** and ***ROPA, 2006*** in the light of the claim made by the petitioner in ***Annexure-P10 at pages 55 to 62*** to the writ petition and the statutory auditor shall then give his reasoned detailed observations and findings in accordance with law.

The respondent no.4 shall furnish a copy of the complete set of the writ petition along with a copy of the report and the exception filed in the writ petition before the said statutory auditor positively ***within a week*** from date. The respondent no.4 shall also communicate a copy of today's order to the statutory auditor of WBTCL along with the aforesaid materials.

The statutory auditor of WBTCL then upon issuing a prior notice of at least ***seven days*** to the petitioner and respondent no.4 and after granting them an opportunity of hearing shall come to a reasonable conclusion with his detailed observations and findings in the light of the ***Annexure-P10*** being part of the writ petition and the provisions made in ***ROPA, 1996*** and ***ROPA, 2006***. While coming to his conclusion, the statutory auditor of WBTCL shall also consider the total amount paid to the petitioner and then any amount, if is payable further to the petitioner under ***ROPA, 1996*** and ***ROPA, 2006***. The statutory auditor of WBTCL then shall make its reasoned observations and findings and shall communicate the same to the petitioner and the respondent no.4.

The entire exercise as directed herein shall be carried out and completed by the said statutory auditor including communicating its reasoned detailed observation to the petitioner and the respondent no.4 positively within a period of ***eight weeks*** from the date of communication of today's order.

If the petitioner is found to be eligible to receive any further sum by the statutory auditor of WBTCL, the appropriate authority of WBTCL shall forthwith pay the same to the petitioner along with interest @***6% per annum*** from the date the petitioner shall be eligible to receive payment and until the date of actual payment is made to the petitioner.

It is once again clarified that, the entire accounts shall be settled and crystalised after taking into consideration whatever amount has already been paid to the petitioner.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the statutory auditor of WBTCL strictly in accordance with law.

With the above observations and directions this writ petition, ***WPA 17783 of 2023*** stands ***disposed of***, without any order as to costs.

The parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Aniruddha Roy, J.)