

05.10.2024
Ct. 23
D/L. 22
(pp)

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

WPA 18138 of 2024

Rubi Devi Routh

-Vs-

The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty,
Mr. Bidhan Modak

... for the petitioner

The matter pertains to Group-III of the Classification List, the determination whereof is presently with this Bench, but has been wrongly filed under Group – VI.

The petitioner is granted liberty to correct the presentation form and the first page of the writ petition.

The petitioner is the widow of an employee of Garden Reach Shipbuilders & Engineers Limited (in short, 'GRSE') who died-in-harness on 2nd September, 2014. The petitioner, although was entitled to receive the compensation for the accidental death of her husband, the petitioner was not paid the same, as a consequence whereof the petitioner approached this Court by filing a writ petition, being WPA 4124 of 2023. The said writ petition was disposed of by an order dated

20th March, 2023 directing the authority concerned to consider the petitioner's representation filed in proper form with supporting documents.

The petitioner says that in terms of the said order dated 20th March, 2023, the petitioner's entitlement was considered and a sum of Rs.6,52,280/- was released on 12th December, 2023. The petitioner says that despite their being a considerable delay in paying the compensation, the petitioner has not been paid any interest. The petitioner has made a representation on 10th April, 2024 demanding interest for delayed payment of the terminal benefits.

The matter is taken up for considering the plight of the widow in the absence of the respondents though the respondents have been served as will appear from the affidavit of service filed in Court today, which has been taken on record.

After hearing the petitioner, I find that the petitioner has a valid claim for interest for the reasons stated hereinafter.

The amount of compensation payable to the petitioner on the accidental death of her husband amounting to Rs.6,52,280/- was deposited on 22nd October, 2014 by K. P. Chatteraj, G.M.(H.R.), GRSE with the Directorate of Employees' Compensation, West Bengal.

It is the case of the Directorate of Employees' Compensation, West Bengal as will appear from a reply dated 4th January, 2023 to a query made by the petitioner under the Right to Information Act, 2005 that in accordance with law Form G-1 (application for distribution of compensation) for DNC 95 of 14 was issued in favour of the petitioner on 21st November, 2014 at the 21/1, Mohanlal Bahalwala Road Bally, Meghna Apartment, Flat No.A/6, 1st Floor, Howrah – 711 201, being the address supplied by GRSE. No reply was received by the Directorate of Employees' Compensation, West Bengal, as a consequence whereof the compensation amount of Rs.6,52,280/- had lapsed to Government account as per Treasury Rules, vide office order no.73 dated 12th April, 2018, as nobody came to claim such amount.

It is, therefor, evident that the money which was to be paid to the petitioner remained in the Government exchequer and had earned interest while the petitioner for having not received the same in time was deprived of such interest.

In the aforesaid facts and circumstances, the respondent nos.3 and 5 are directed to pay interest to the petitioner @ 6% per annum from 23rd October, 2014 till 12th December, 2023. The interest should be paid within a period of 10 weeks from the date of communication of a server copy of this order.

The parties including the respondent nos.3 and 5 should act on the basis of a server copy of this order without insisting upon production of a server copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

(Arindam Mukherjee, J.)