

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 420 of 2017

Mangalanand Jha vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
11 20.11.2019	<p>For the Applicant : Mr. P. Dhole, Learned Advocate.</p> <p>For the Respondent : Mr. S. Bhattacharjee, Mr. A. Datta, Departmental Representatives.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for payment of arrears of salary after fixation of pay during the period from June 29, 1985 to May 31, 2010 along with interest @ 12% per annum on the said arrears of pay for delayed payment.</p> <p>The applicant joined in the service as Group-D employee under Block Land & Land Reforms Officer, Ratua-II in the district of Malda. He retired from service on April 30, 2014. Previously, the applicant filed TA No. 1920 of 1996 before this Tribunal praying for direction upon the respondents for payment of arrears of salary during the period from March 7, 1977 to June 29, 1985 with all increments and allowances in terms of the order passed by Learned Single Judge of the Hon'ble High Court in C.R. No. 5307 (W) of 1981 being affirmed by the Division Bench of the Hon'ble High Court in FMAT 434 of 1985. On July 31, 2008, this Tribunal gave opportunity to the applicant to file representation before the state respondents and gave direction to the said state respondents to take a decision on the</p>	

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representation of the applicant within specific period of time. It is contented on behalf of the applicant that the said order of the Tribunal was not complied with and as such the applicant was compelled to file contempt application being CCP No. 61 of 2009 which was disposed of on February 8, 2010. It appears from order dated February 8, 2010 passed in CCP No. 61 of 2009 that the respondents/contemnors complied with the direction given by the Tribunal by according sanction for payment of arrears of salary to the applicant during the period from March 8, 1977 to June 26, 1985. However, the contention of the applicant is that arrears of salary were not paid to the applicant and as such on July 6, 2011, the applicant submitted one application before the respondent no. 4 praying for payment of arrears of salary during the period from June 29, 1985 to June 30, 2010 in terms of fixation of pay. Since arrears of salary were not paid to the applicant, he filed the present application praying for arrears of salary and interest on the amount of arrears of salary.

During pendency of the original application, the respondent no. 4, Sub-Divisional Land & Land Reforms Officer, Chanchal intimated the District Land & Land Reforms Officer, Malda about the fact of payment of arrears of salary to the applicant to the tune of Rs.1,27,900/- during the period from June 29, 1985 to May 31, 2010. Now, the applicant has no grievance with regard to payment of arrears of salary, but he is claiming interest on the amount of arrears of salary @ 12% per annum.

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The question for consideration of the Tribunal is whether the applicant is entitled to interest @ 12% per annum on the amount of arrears of salary and if so what will be the period for which the interest will be paid to the applicant.

Having heard Learned Counsel for the applicant and the Departmental Representative of the respondents, we find that on February 8, 2010, the Tribunal dropped the contempt proceeding (CCP 61 of 2009) on the ground that the respondents/contemnors accorded sanction for payment of arrears of salary during the period from March 8, 1977 to June 26, 1985. The application submitted by the applicant on July 6, 2011 indicates that he prayed for arrears of salary on the basis of fixation of pay during the period from June 29, 1985 to June 30, 2010, which was paid by the respondent no. 4 on March 26, 2019 vide T.V. No. 20295 dated March 26, 2019. No explanation is forthcoming before the Tribunal as to why delay took place during the period from July 6, 2011 to March 26, 2019 for payment of arrears of salary to the tune of Rs. 1,27,900/-. Mr. Bhattacharjee, the Departmental Representative of the state respondents submits that the delay was caused for seeking approval from the Finance Department in payment of arrears of salary. We are ready to give allowances of at least three months for seeking approval from the Finance Department for payment of arrears of salary to the applicant. Since the application was submitted for payment of arrears of salary on July 6, 2011 and

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the payment was ultimately made on March 26, 2019 after seeking necessary approval from higher authority, we are of the view that the applicant should be paid interest during the period from December 1, 2011 to February 28, 2019.

With regard to the claim of the applicant for payment of interest @ 12% per annum, we are of the view that interest should be paid on consideration of interest paid by the State on the amount of GPF and PPF and the interest paid by the nationalised bank on long term fixed deposit. On above consideration, we would like to hold that the applicant is entitled to get interest @ 8% per annum and not 12% per annum as claimed by him.

In view of our above findings, the respondent no. 4, Sub-Divisional Land & Land Reforms Officer, Chanchal, District – Malda is directed to pay to the applicant interest @ 8% per annum on the amount of Rs.1,27,900/- during the period from December 1, 2011 to February 28, 2019 within a period of 12 (twelve) weeks from the date of communication of the order.

With the above direction, the original application is **disposed of.**

Let a plain copy of this order be supplied to all the parties.

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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