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29.11.2022
(sanjay)
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23164 of 2022

Sk. Abu Bakkar Ali
Vs.
State of West Bengal & Ors.

Ms. Susmita Dey Basu
.... For the petitioner.

In this writ petition the petitioner prays for interest on delayed payment of Provident Fund, Gratuity and Leave Encashment benefits. The petitioner was an employee of the Calcutta State Transport Corporation (in short "CSTC").

Despite service no one appeared on behalf of the respondents when the matter was taken up for hearing on November 22, 2022. This Court directed service to be effected again on the respondent/CSTC.

Ms. Dey Basu, Learned Counsel appearing on behalf of the writ petitioner submits that service has been effected. She undertakes to file affidavit of service by tomorrow i.e. November 30, 2022.

Despite second service no one represents the respondents today. In the circumstances, considering the catena of decisions passed by this Hon'ble Court regarding the interest payable for the delayed payment of retiral

benefits, this Court directs interest at the rate of 6% per annum to be paid to the writ petitioner on the leave salary of Rs. 3,09,839/- from January 01, 2022 (the date succeeding the date of retirement) till March 16, 2022 (till the date of actual payment). Interest for delayed payment of Gratuity to the tune of Rs.9,60,277/- is to be disbursed from January 01, 2022 to March 24, 2022. Interest on account of Provident Fund of Rs. 8,77,000/- from January 01, 2022 till January 25, 2022. Furthermore, interest on the second installment of Provident Fund to the tune of Rs.13, 16,294/- be paid from January 01, 2022 to July 27, 2022.

The respondent authority/CSTC is directed to pay the aforesaid payment within six months from date. In the event, the said amount is not disbursed within the stipulated period, the rate of interest will stand enhanced to 10% per annum being the statutory rate under the payment of Gratuity Act, 1972.

With the directions aforesaid, the writ petition, being **WPA 23164 of 2022**, is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble

Court.

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

(Lapita Banerji, J.)