

30.11.2022
DL-64
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24764 of 2022

Saikat Biswas
Vs.
State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,
Ms. Susmita Dey Basu
....for the petitioner.

Mr. N. C. Bihani,
Mr. Soumya Mukherje
....for CSTC.

Affidavit of service filed in Court today be retained with the records.

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").

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. 7,94,040/- from November 01, 2021 (the date succeeding the date of retirement) till February 02, 2022 (till the date of actual payment).

Interest for delayed payment of Gratuity to the tune of Rs.12,00,000/- is to be disbursed from November 01, 2021 to January 7, 2022. Interest on account of Provident Fund of Rs. 26,61,000/- from November 01, 2021 till November 29, 2021. Furthermore, interest on the second installment of Provident Fund to the tune of Rs.39,92,590/- be paid from November 01, 2021 to May 26, 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 24764 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.)