

ORDER SHEET

WPO No.275 of 2022  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Original Side

PULAK BHAR  
VS.  
THE STATE OF WEST BENGAL & ORS.

BEFORE:  
The Hon'ble JUSTICE ARINDAM MUKHERJEE  
Date: 4<sup>th</sup> April, 2022.

Mr. Debductta Basu, Advocate ...for the Petitioner.

Mr. Soham Bandopadhyay, Mr. Aditya Chaturvadi, Advocates  
...for WBTC.

Mr. S. Banerjee, Mr. A.K. Nag, Advocates ..for State.

The Court:-Report in form of an affidavit filed on behalf of the  
respondent No.1 is taken on record.

Learned Registrar, Original Side has filed a report. On perusal  
of the same it is evident that the direction given in the order dated  
23rd March, 2022 has been carried out by the department.

The petitioner retired from the service of Calcutta Tramways  
Company (1978) Ltd. (in short, "CTC") now known as West Bengal  
Transport Corporation (in short, "WBTC") on 31<sup>st</sup> January, 2019 on  
attaining the age of superannuation. The petitioner has been paid  
the provident fund (PF) amount, the gratuity aggregating to  
Rs.29,08,309.83 after a delay of over four months. The petitioner

has sought for interest on delayed payment of PF amount and gratuity along with interest on delayed payment of leave salary.

The interest for delayed payment of the amount on account of Revision of Pay and Allowance Rules, 1998 ( in short ROPA) has been considered in a recent judgment and order dated 29.03.2022 passed in WPA 4606 of 2022 [Jayanta Kumar Das vs. The State of West Bengal & Ors.]. The same principles are applicable for delayed payment of PF and gratuity amount. The petitioner, therefore, is entitled to receive interest on delayed payment of his retiral benefits which includes Gratuity, Provident Fund and Leave Salary. So far as Provident Fund and Gratuity are concerned, WBTC by letter dated 3<sup>rd</sup> April, 2019 had admittedly paid a sum of Rs. 29,08,309.83 to the petitioner. The delay, therefore, in respect of Provident Fund and Gratuity is established. The petitioner was entitled to receive the same immediately upon retirement, that is, on 1<sup>st</sup> February, 2019, but received the same partly on 17<sup>th</sup> May, 2019 and partly on 10<sup>th</sup> June, 2019. With regard to Leave Salary, the petitioner says that a sum of Rs. 3,83,849/- was due and payable to the petitioner which has also been paid, but at a belated stage. The facts and figures regarding Leave Salary and its date of payment is not clear.

In the aforesaid facts and circumstances, the petitioner is entitled to receive interest on the said sum of Rs. 29,08,309.83 for delay in paying the same as the respondents have derived benefit out of such money while the petitioner was deprived of the benefit

on the money having not been paid immediately upon the same fell due. The petitioner says that the said sum of Rs. 29,08,309.83 was paid in two phases; one on 17<sup>th</sup> May, 2019 of Rs.14,03,845/- and balance on 10<sup>th</sup> June, 2019.

Without going into the dispute as who was responsible for the delay and to what extent, I direct the respondents jointly and severally to pay 6% interest on the entire sum of Rs.29,08,309.83 till 17<sup>th</sup> May, 2019, and at the same rate on the balance sum is Rs.15,04,464.83 (Rs.29,08,309.83 – Rs.14,03,845) for the period between 18<sup>th</sup> May, 2019 till 9<sup>th</sup> June, 2019. The entire interest on account of delayed payment of Provident Fund and Gratuity shall be paid to the petitioner within a period of four months from date, failing which the interest rate will be 10% in respect of the Gratuity amount and 8.6% in respect of Provident Fund from the date of accrual till actual payment.

Nothing remains to be adjudicated in this matter. Accordingly, the writ petition stands disposed of.

(ARINDAM MUKHERJEE, J.)