

ORDER SHEET

WPO No.276 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

ASHOKE NANDY
VS.
THE STATE OF WEST BENGAL & ORS.

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

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

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

Mr. S. Dutta, Mr. D.Sarkar, Mr. P. Sinha, 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 30th November, 2020
on attaining the age of superannuation. The petitioner has been
paid the provident fund (PF) amount, the gratuity aggregating to
Rs.68,90,504.09 on 18th February 2021 after a delay of over two
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 judgement and order dated 29.03.2022 passed in WPA 4606 of 2022 [Jayanta Kumar Das vs. The State of West Bengal & Ors.].

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 had admittedly paid a sum of Rs. 68,90,504.09 as on the document on page 22 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 1st December, 2020 but received the same only on 18th February, 2021 and 19th February, 2021.

In the aforesaid facts and circumstances, the petitioner is entitled to receive interest on the said sum of Rs. 68,90,504.09 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. 68,90,504.09 was paid in two phases; one on 18th February, 2021 and balance on 19th February, 2021.

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.68,90,504.09 for the period between 1st December, 2020 till 18th February, 2021. 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.

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

(ARINDAM MUKHERJEE, J.)

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