

WPO 2331 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUBHRA KANTI HAZRA
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 13th July, 2022

Appearance:
Mr. Debdutta Basu, Adv.
...for the petitioner
Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
Mr. Rohan Chatterjee, Adv.
...for the WBTC Ltd.
Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Mirza Kamruddin, Adv.
...for the State

The Court : Affidavit of service filed in Court today is taken on record.

The petitioner is a retired employee of Calcutta Tramways Company (1978) Ltd. (in short, "CTC") now known as West Bengal Transport Corporation (in short, "WBTC"). The petitioner retired from the services on 31st January, 2022 and claims interest on delayed payment of his retiral benefits as the same was paid only on 5th and 6th April, 2022.

The petitioner on his retirement was entitled to payment on account of provident fund, gratuity and leave salary an amount of Rs.85,11,063.24. This figure is not in dispute. The petitioner was paid this amount on 5th and 6th April, 2022. The date of payment is also not in dispute. The petitioner says that there has been a delay of about three

months in making of the sum of Rs. 85,11,063.24 on account of his retiral benefits. The petitioner, therefore, claims to be entitled to interest for delayed payment of his retiral benefits.

The issue relating to claim of interest for delayed payment of retiral benefits as made in the instant writ petition is squarely covered by a recent judgment and order of the Hon'ble Supreme Court reported in (2022) 4 SCC 627 [Dr. A. Selvaraj v. CBM College & Ors.] which provides for payment of interest on retiral dues if paid belatedly for no fault of the employee. The same is the case over here.

As such, this writ petition is disposed of with the following directions :

The respondent no.2 is directed to pay interest to the writ petitioner at the rate of 6% per annum on Rs.85,11,063.24 being the amount on account of retiral benefits calculated on and from 1st February, 2022 till 5th April, 2022 within a period of two months from the date of communication of a photostat certified copy of this order and in default statutory rate of 10% as in case of gratuity will be attracted on Rs. 85,11,063.24 from 1st February, 2022 till 5th April, 2022.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(ARINDAM MUKHERJEE, J.)

